

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION OF 1961
SPECIAL SESSION OF 1961
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING ON TUESDAY, MAY 2, 1961
IN TWO VOLUMES
Vol. I



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JOHN PATTERSON, Governor
ALBERT BOUTWELL, Lieutenant Governor
VAUGHAN HILL ROBISON, President Pro-Tem of the Senate
VIRGIS M. ASHWORTH, Speaker of the House
IRA D. PRUITT, Speaker Pro-Tem of the House
J. E. SPEIGHT, Secretary of the Senate
OAKLEY MELTON, JR., Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1961 Regular Session and the 1961 Special Session of the Legislature of Alabama and is the official publication of such acts.

Bettye Frink,
Secretary of State.

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MESSAGE OF GOVERNOR JOHN PATTERSON
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT REGULAR SESSION

MAY 2, 1961

LIEUTENANT GOVERNOR BOUTWELL, MR. SPEAKER,
MEMBERS OF THE JOINT SESSION OF THE ALABAMA
LEGISLATURE:

I am delighted to have the honor to address you again. As Governor, I extend official greetings to you and warmly welcome you back to our State Capitol. I want to express my sincere appreciation to you for the splendid cooperation and assistance you have given me and my Administration. It has been a privilege to work with you—not only as a legislative body laboring diligently in the interest of the State in general but also as individuals striving in behalf of your counties and districts. I pledge to you that I will continue to work closely with you in a spirit of harmony and helpfulness. Every agency, department, officer and employee of the State stands ready to serve and assist you in carrying out your duties and functions.

Again, I wish to commend you for the notable accomplishments which you have already made. The measures so wisely enacted during the Regular and Special Sessions of 1959 have proved sound and progressive. They have made it possible for Alabama to move forward in all areas. This Legislature is one of the most outstanding in all our history. You have been forthright and farsighted.

Even though we are moving steadily ahead and setting records of advancement and achievement in practically all fields, we must not be satisfied with things as they are but we must strive ever harder to improve our State and the living and working conditions of our people. We cannot rest on our laurels: we must ever look ahead.

We have, of course, serious problems facing us. While our accomplishments in some fields have exceeded our expectations, we did not achieve all that we had desired in other areas. We must now apply ourselves to the task of solving these problems. We must buckle down to the job of making good government reflect the true desires and aspirations of our people. We must do everything we possibly can to better serve every citizen of Alabama. It is our duty to lay aside personal desires, political aspirations and feelings of regionalism so that we may discharge our duties in a manner that will merit the confidence of all Alabamians. I promise that I will work shoulder to shoulder with you toward the accomplishment of these aims.

As directed by the Constitution, I am charged as Governor with the duty at the commencement of each Regular Session of

the Legislature to advise you of the condition of the State and to recommend such measures as I deem advisable.

I take pleasure in reporting to you that all departments and agencies of the State are operating smoothly, efficiently and economically. We have saved millions of dollars of taxpayers' money by strict competitive bidding. These savings are reflected in more miles of roads, additional school buildings, higher old age pensions and the expansion and improvement of other State services and programs. Every citizen can be proud of these substantial savings.

We are now engaged in the largest road-, airport- and school-building programs in State history. We are paying the highest old age pensions ever recorded as well as the highest payments on record to other recipients of public assistance. The public schools are receiving more funds than ever before. Our State Docks at Mobile is making a large profit and we are in the process of constructing four additional inland docks. We are doing a better job of looking after our mentally ill and physically handicapped. Our prison population is being steadily reduced due to a modern and progressive pardon and parole system. We are enjoying an era of good law enforcement and good government on all levels. Our juvenile delinquency rate is declining. We are experiencing a near boon in industrial growth. Our population continues to increase. Our economy is expanding, and the rate of growth of our per capita income is the highest in the nation. Despite a general business decline during the last two years, Alabama's economy held firm. Our revenue collections have continued to increase at a healthy rate of approximately six per cent per year, and the prospect for the months ahead appears to be even better. All signs point to an early end to the recession and accelerated growth for our economy.

Fiscally, our State is sound and we are operating "in the black." We have a balanced budget and a surplus in the State Treasury. I pledge to you that we will continue to live within our means, as required by State law.

I believe that the State government is making notable progress and that we are providing a competent and efficient Administration. We are intent on serving well the citizens of Alabama, and all of our programs and policies are aimed at the betterment of our State and our people. I assure you that we will continue to exert every ounce of energy and devote our full time to making our Administration outstanding in the history of Alabama.

FINANCE

Now I want to discuss with you various Departments and programs in some detail. Since the majority of your worries and

mine concern money, let me begin with the Department of Finance. First, I wish to inform you that I am opposed to any new taxes or any increase in present taxes. In my opinion, the Alabama taxpayer is overburdened with taxes, and it is not advisable to add to his tax load at this time. I wish to advise you that I will oppose any new tax measures and should any new tax bill pass the Legislature, I will veto it. The budget which I will recommend to you will be balanced, and it will provide adequately for all State agencies and programs.

General Fund

At the close of this fiscal year, September 30, 1961, there will be a balance in the General Fund of approximately \$2,925,000. This balance is substantially more than was anticipated two years ago. This increase in surplus in the General Fund is largely due to certain sound economy policies of this Administration.

Anticipated revenues coming into the General Fund for fiscal year 1961-62 will be approximately \$39,874,000 making a total amount available in the General Fund for 1961-62 of \$42,799,000. I will recommend a budget to you calling for appropriations for fiscal year 1961-62 from the General Fund of \$41,283,000. If this recommended budget is followed by you, we will have a balanced budget and an estimated balance in the General Fund at the end of the fiscal year of \$1,516,000.

In fiscal year 1962-63, anticipated revenues coming into the General Fund will be approximately \$41,972,000. With the expected balance of \$1,516,000 which will be in the General Fund on September 30, 1962, the total amount available in the General Fund in fiscal year 1962-63 will be approximately \$43,488,000. I will recommend a budget to you calling for appropriations from the General Fund for 1962-63 of \$41,989,000. If this recommendation is followed by you, we will have a balanced budget leaving a balance in the General Fund at the end of the year of \$1,499,000. For our financial stability, it is essential that a balance of approximately \$1,500,000 be maintained in the General Fund at all times.

Special Trust Funds

Certain revenues collected by the State are earmarked for specific purposes, and the law requires that these funds be appropriated by the Legislature before they can be expended. I will submit a budget to you recommending appropriation of these special trust or earmarked funds. The budget which I will submit will be balanced and well within anticipated revenues. I believe my recommendations will be adequate to carry out the programs for which the special trust funds have been earmarked, and I urge you to enact these recommendations into law without amendments.

Special Educational Trust Fund

The Special Educational Trust Fund should anticipate revenues for fiscal year 1961-62 of approximately \$137,972,000 and for fiscal year 1962-63 of approximately \$148,022,000. I will submit to you a budget recommending total appropriations for public education of \$137,972,000 for fiscal year 1961-62 and \$148,022,000 for fiscal year 1962-63.

I want to assure you that we have been exceedingly careful in compiling these figures of anticipated revenues. As you know, our figures were somewhat off in 1959-60 and 1960-61 and as a result it was necessary to declare proration of the Special Educational Trust Fund. In 1959, we had every reason to believe our estimates were reasonable and correct, but due to certain economic conditions which could not have been readily foreseen, such as a major steel strike and a general recession, we miscalculated anticipated revenues. It should also be noted that we then had no prior experience with collections under the new revenue-raising measures which you passed in 1959. We now have that experience, and I believe our estimates for the next biennium are accurate.

We must not over-appropriate from the Special Educational Trust Fund and run the risk of proration again. We owe it to the teachers and school administrators to be careful with the appropriation and make certain—when education appropriations are made—that the funds will be available to meet our obligations in full.

Investment of Surplus Funds

The State of Alabama has large sums of surplus funds on hand at all times which should be invested in such a manner as to earn interest for the State. Act No. 66, General Acts of Alabama, 1945, page 63, approved June 1, 1945, authorizes the State Treasurer, with the approval of the Governor, to invest surplus funds of the state in registered direct obligations of the United States. This Act is excellent as far as it goes; however, it limits the investments to "registered" securities and this provision limits considerably the types of securities which can be purchased. It leaves out the short term direct obligations of the federal government which in many cases would be the most desirable investments. I recommend that the law be amended to authorize the State Treasurer, with the approval of the Governor, to invest State funds which they determine to be surplus, in all direct obligations of the United States. Legislation will be submitted to you to authorize such investments and I urge its immediate passage.

Additional Capital Improvements

We are in desperate need of additional office space for several

State departments. A new, multi-story office building on the State Capitol grounds appears to be a feasible solution to our space problem.

The State Highway Department has outgrown its building and has immediate need of more office room. Then too, the converted hospital building which several major departments now occupy on High Street is outmoded and in a bad state of repair. Further expenditure on this property is not advisable.

I recommend, therefore, that you enact the necessary legislation to authorize a \$4 million revenue bond issue to finance construction of an additional State office building to house primarily the Highway Department and the other State departments now using the High Street building. We already own sufficient land on the east side of the Capitol to locate the new building. I further recommend that the bond issue be financed by a pledge of the rents paid by the departments occupying the building. Legislation authorizing such a bond issue will be submitted for your consideration, and I urge its passage.

Competitive Bid Laws

This Administration has adhered strictly to our competitive bid laws. By so doing, we have saved the taxpayers of Alabama untold millions of dollars.

During the time I was Attorney General, I went into court on many occasions seeking the enforcement of State laws requiring competitive bidding. I have made a careful study of these laws, and I believe they are important to the financial stability of our State government. The present laws are basically sound but weak in parts. These loopholes should be plugged. In addition, the law should be strengthened in regard to the purchase of supplies and equipment and the contracting of public improvements.

In this connection, we should require contracts for all repairs in excess of \$500 to be let on competitive bids. We do this today as a matter of practice, but the law does not require it. It should. The law should also specify that all contracts for public improvements be null and void if entered into in violation of our competitive bid law and that no money could be paid by the State or collected by the contractors under such void contracts, even though the contractor might have furnished labor and materials thereunder. Our laws should prohibit the courts from applying any doctrine of "quantum merit" or any other so-called equitable remedy which would allow the circumvention of down-the-line competitive bidding.

If these recommendations are adopted, the competitive bid laws will become self-enforcing and the people of the State will get the protection to which they are entitled. Legislation will be

presented to you at this Session to implement these recommendations and insure strict competitive bidding in future years. I urge the prompt passage of this legislation.

DEPARTMENT OF REVENUE

The Department of Revenue has grown considerably in the last two years, with collections increasing almost \$25 million just last year. Pointing up this rapid growth, annual reports show the Department collected taxes totaling \$199 million in 1957, \$202 million in 1958, \$217 million in 1959 and \$241 million in 1960. All this time, the percentage cost of collection has been reduced considerably. In 1957, the process of collection cost 1.60 percent of the revenue, in 1958 it was 1.76 percent, in 1959 the cost dropped to 1.49 percent and in 1960 it was still lower, 1.47 percent. This means that for every \$1.47 spent last year, the Revenue Department collected \$100 in taxes. This is an outstanding record of efficiency.

You may be interested to know that a program has now been set up to provide closer supervision of the Department's field force, which has resulted in a substantial increase in the collection of unreported taxes. These collections increased from \$3,460,000 in 1958 to \$3,918,000 in 1959 and \$5,283,000 in 1960. Department statistics show that each man-day in the field produced \$127.94 at an average cost per man-day in the field of \$39.09. This indicates a return of 3.6 to 1.

Our over-all revenue collections continue to increase at the rate of approximately 6 percent each year, and I feel confident that this increase will continue for at least the next two years. Many advances are being made in the Revenue Department, and we will continue to strive to make the operations of this Department more efficient.

REAPPORTIONMENT

One of the most serious problems facing us is reapportionment of the Legislature. The Constitution requires the Legislature to reapportion itself after each decennial census; however, the Legislatures have consistently refused to carry out this constitutional mandate and there has been no reapportionment of the Alabama Legislature since the adoption of the present Alabama Constitution in 1901. The continuous failure of the Legislature to reapportion itself now makes it possible for about 28 percent of the people of Alabama to elect a majority of the members of both Houses. Representation in our Legislature no longer bears any reasonable relationship to population. There exists grossly unfair variations in the number of people a legislator represents, and a large majority of the citizens of Alabama do

not have a fair voice in the passage of the laws under which they must live. This problem constitutes a genuine emergency, and it is imperative that you do something about it. The overwhelming majority of the people of Alabama demand that you act.

The reapportionment problem is not peculiar to Alabama, and many other states are experiencing similar difficulty. The courts in the past have consistently refused to attempt to force the Legislatures to comply with the reapportionment provisions in their State constitutions. However, there are now signs that the courts may soon step in and take action. I would regret to see the courts involved in a matter which is purely legislative. We should not give the courts opportunity to tell us to carry out our legal obligation when that duty is so clearly spelled out for us in our own Constitution.

In my campaign for Governor, I advocated reapportionment. In my Message to you at your Regular Session in 1959, you will remember I called on you to act promptly and decisively. However, you chose not to carry out your sworn constitutional duty at that time. I believe it is basically undemocratic for you to continue to ignore this problem. You are failing to carry out a mandate of our Constitution.

Here and now, I urge you to do your duty and enact the necessary measures to reapportion this Legislature. I beseech you to give every Alabamian a fair voice in his government. The Constitution demands it. Good conscience demands it. Our democratic system demands it.

A bill will be introduced shortly providing for the necessary constitutional amendments to effect a reapportionment of this Legislature. This measure, which I wholeheartedly support, calls for a reapportionment providing a Senate of 40 members and a House of Representatives of 120 members. I believe this bill is fair and just. It protects the small and rural counties while at the same time it gives more adequate representation to the larger counties without handing them control of the Legislature.

The people of Alabama, I sincerely believe, will approve it. This bill will have the effect of suspending the present requirement that apportionment of the Legislature be strictly on a population basis and of further suspending the duty of the Legislature to apportion the membership of the House and Senate on the constitutional population formula currently provided. This suspension would remain in effect until the first day of the 1963 Session of the Legislature, at which time the present constitutional apportionment requirements, apportionment formula and legislative duty to reapportion itself at stated intervals would again be in force and effect.

The Administration bill is a constitutional amendment and a three-fifths vote is, of course, necessary for passage. The bill raises the numerical membership of both Houses slightly to provide an increase in the legislative delegations of more than three-fifths of the counties. This should induce sufficient members to support the bill for passage while at the same time voting for an increase in representation for their counties.

The bill follows a bracket system and provides any county in a given population range equal representation with all other counties within that range. Each county is guaranteed at least one representative, protecting the interests of the small counties. Such a plan is reasonable and sensible. Without further delay or dilly-dally, I beg you to approve this program of legislative reapportionment.

Constitutional Convention

If you should again choose to ignore your constitutional obligation to reapportion the Legislature, then I call upon you to submit this question directly to the people. This may be done by the passage of a resolution authorizing an election to determine whether or not the people want a Constitutional Convention to rewrite the Constitution and bring it more in line with present day needs. The people may then decide whether or not they want to reapportion the Legislature, and if they vote to do so, the Legislature will be reapportioned in a Constitutional Convention.

The people of Alabama have a right to be heard, and I am determined to do all that I possibly can to see that the will of the people prevails. I am sure that all of you also have a deep sense of public obligation. If you again fail to act on reapportionment, I ask you to pass a resolution calling for a Constitutional Convention in this State. May I remind you that such a resolution requires only a simple majority, rather than three-fifths vote, for passage.

RE-DISTRICTING

As a result of a reapportionment of the U. S. House of Representatives, in accordance with the 1960 federal census, Alabama's representation in the House of Representatives will be reduced from nine to eight members in the next session of Congress.

This Legislature is charged with the duty of deciding the manner in which this State shall be redistricted. You may choose to take no action, thus requiring all members of the federal House of Representatives to be elected from the State at large, or you may decide to divide the State into eight congressional districts. I recommend that you follow the second course.

PUBLIC ASSISTANCE

In 1950, there were not quite 200,000 persons in Alabama aged 65 and over. By 1960, the total was in excess of 261,000. This represents an increase in our aged population of 31½ per cent during a period when our total population rose only 6½ per cent. These figures underline the growing needs of our elder citizens and the greater demand for social services on the part of our State Department of Pensions and Security.

The number of old age pensioners has increased from 79,000 in 1950 to 99,000 at present—a jump of 25 per cent. Still, we are making outstanding progress in our old age pension and other public assistance programs. New records are being set almost every month.

When I ran for Governor, the average old age pension was just over \$38 a month. I set a goal then of \$75-a-month pensions, and I am pleased to report to you that we are rapidly pushing payments toward that figure. Average pensions are now about \$54 a month, and we hope they will reach \$60 a month by July. Incidentally, I might point out that 32,500 pensioners who have no outside income already receive an average of about \$64 a month, and benefits of \$75 to \$120 a month are paid almost 9,000 pensioners in extreme need. The remainder of our old age pensioners—66,500 of them—have outside income averaging about \$20 a month. This includes social security benefits which about one-fourth this number receive. The average old age pension in this outside-income group is about \$45, giving each pensioner a total monthly intake of about \$65. In July, we plan to again substantially increase the percentage of need which we are meeting, thereby providing an across-the-board pension increase.

In addition to record pension payments, we are now at an all-time high in the other categories of adult assistance. In March, the average payment for aid to the permanently and totally disabled was \$37.32—up \$4 in a little more than two years and now higher than ever before. Aid to the blind also reached a record peak in March, with benefits averaging \$41.32—an increase of about \$5 in the same period. Payments in the aid to dependent children category have increased from about \$34 per family or \$8.50 per recipient to \$40.86 per family or \$10.13 per recipient.

Medical Care for Aged

On April 1st, we began a far-sighted program providing up to 10 days of hospital care during the next six months for each of our 99,000 old age pensioners. This is a real milestone in service to our senior citizens. The program, first of its type in Alabama, should be enlarged and extended in the next fiscal year.

Our initial program is limited because of lack of funds, but I recommend that you appropriate sufficient funds to provide our old folks with hospital care, free medicine and doctors' services. The funds are available, and I urge you to allocate monies for a comprehensive medical care program. Every State dollar will be matched four-to-one by the federal government—a truly good return on our investment.

It is also my recommendation that you consider the program of medical aid to the aged who are not receiving old age pensions, but who are 65 or over and indigent. Even if social security medical care is passed by the United States Congress, well over 50,000 of our 65-and-over population who do not receive either State pensions or social security would be left without medical coverage. For the sick and needy persons in this group, we propose medical benefits similar to those now available to old age pensioners. This program will require new legislation, but it can be financed with four-to-one federal matching funds. This legislation will be submitted to you for your consideration.

Increased appropriations which I have recommended from the General Fund will enable us to expand the State's entire medical aid to the aged program and make it realistic.

As you know, the Legislature limits the amount of money which can be spent by the Department of Pensions and Security for administrative purposes. This limit at present is too low and should be raised to provide needed increases in salaries, additional staff and the means to "beef up" rehabilitative and protective services. Our child welfare statutes are essentially sound; however, amendments are needed to strengthen and clarify certain sections dealing with protective services for children. Such measures will be submitted to you for your consideration.

I will also recommend that you appropriate \$8,937,000.00 from the General Fund for the Department of Pensions and Security for the year 1961-62 and \$8,937,000.00 for the year 1962-63. My recommendation provides for an increase of \$1,131,819.93 for each year of the next biennium over the amount appropriated for 1960-61. This increase in appropriations from the General Fund, coupled with expected increases in "earmarked" funds for public assistance, plus approximately \$2,500,000.00 expected from the additional liquor tax which you enacted in 1959, and an expected extension of the public assistance program by the Federal Government, will make it possible for us to substantially increase payments in all areas of public assistance during the next two years. It will enable us to launch an outstanding and progressive program of medical care for the aged and to move ever closer to our goal of \$75-a-month old age pensions. I urge you to adopt my recommendations for this Department.

It is my earnest plea that you do not reduce the appropriations below what we have requested.

MENTAL HEALTH

In 1959, in one of its most significant actions, the Legislature passed an additional 10 percent tax on liquor and provided that the revenue would be divided so that the mental health program would get one-half and the old age pension program one-half. At that time, it was anticipated this tax measure would produce approximately \$5 million per year. In order to protect other programs already dependent upon liquor tax revenue, the Legislature specified that revenue from the liquor taxes would have to reach 105½ percent of the previous year's revenue before any money would be transferred to the beneficiaries under the Act. This provision was to apply only to fiscal years 1959-60 and 1960-61 and will automatically expire in September.

As you know, revenue collections did not reach expectations in these first two years. Unfortunately, little revenue from the new tax has gone into the mental health program so far. I am pleased to report that the revenue outlook is bright indeed.

When the current 105½ percent provision in the law has expired, it is anticipated that this tax measure will produce approximately \$2 500,000 per year during the next biennium for the mental health program and \$2,500,000 per year for the old age pension program. This tremendous increase in revenues will make it possible to have an outstanding program combatting mental illness and to register great progress in this field here in Alabama. The budget which I will submit to you makes recommendations for the appropriation and expenditure of these funds.

EDUCATION

Providing a good public education for every child in Alabama is one of our most important responsibilities. I am sure that every citizen knows this Administration and this Legislature are both strong supporters of better schools. More has been accomplished during the last two years for public education in Alabama than during any like period in our history. Still, I believe we all recognize the tremendous needs and financial plight of our school system at present. Everyone of us, I know, is willing to do everything we possibly can for public education within our capacity to do so.

I want to commend the State Legislature again for outstanding achievements in behalf of education. The measures enacted into law in the Special Session for Education in 1959 provided

\$19.3 million more for schools in 1959-60 than they received in 1958-59. This is one of the largest increases in funds ever granted the schools of this State. It enabled almost every teacher in Alabama to get a salary raise.

True, we did not get as much of an increase in school revenues as we had anticipated from the new tax measures due to unexpected economic difficulties. I am sure the Legislature regrets the necessity of proration as much as I do. Despite proration, however, I wish to emphasize that public schools have received additional revenues each year. Public school revenue was \$108,542,194.55 in 1957-58, \$115,988,239.95 in 1958-59 and \$135,299,417.64 in 1959-60.

During this fiscal year, schools should receive about \$136 million. As I have mentioned, we expect the schools to get about \$138 million in 1961-62 and approximately \$148 million in 1962-63.

\$100 Million School Building Program

In addition to record highs in operating funds, the Special Session for Education also provided for a \$100 million bond issue for construction, renovation, repair and additions of public school buildings. This program includes not only elementary and high schools but also all State institutions of higher learning and all State trade schools. This tremendous school-building program is now in full swing, and we are engaged in constructing modern schools, adding new classrooms and making needed repairs in almost every community in Alabama.

It is not only the largest school-building program in our history, but it is also the first time that the State has undertaken such a program. This is to the great credit of the Legislature.

I would like to report to you that in borrowing the \$100 million we received both a favorable interest and a double-A rating on the bonds, saving more than \$5 million in interest costs alone over the life of the bonds. Construction under the program is under the supervision of the State Building Commission, which is composed largely of members of the Legislature. Strict competitive bidding practices insure that the State gets full value for every dollar spent.

By the end of 1963, we expect this building program to be practically complete.

We are, in fact, giving education a "new face" and the tools it needs to move ahead. Education's progress during the last two years has been outstanding and dramatic. New facilities, however, do not make a school system, and we are continuing to demand higher and higher quality in our education. We have

stood up for the cause of public education, and I pledge to you my best efforts toward improving the relative standing of Alabama's educational system.

The financing of public education is a heavy drain upon the State. Although I recognize the need for additional funds, I cannot conscientiously recommend additional taxation, even for schools, at this time. In my opinion, the Alabama taxpayer already bears a heavy burden of State taxes, and I do not believe additional taxes imposed on the State level are in order now.

It is my firm belief that the State is making its maximum effort in support of public education at the present time. Approximately 80 percent of the money going into public schools in Alabama today comes from the State level. In the entire United States, only one and possibly two other States contribute a higher percentage of State funds to public education than we do here in Alabama.

Local Support of Education

Alabama suffers, in my opinion, from a lack of sufficient local participation in financing the present needs of public education. Therefore, I want to call on our county and municipal governing bodies to consider immediate measures to provide more funds for public education on the local level. Such action is necessary to more adequately supplement the funds now being received from the State. Should any community desire to increase its support of schools and local legislation is needed, I urge you to approve all such bills.

In view of the large proportion which the State now contributes to public education and taking into account the present economic slump, I believe this should be an ideal year to bear down on increased local participation in the school program. Further, I suggest every effort be made locally by the tax assessors and boards of equalization to more fairly equalize the property assessments in the various counties over the State. A fair equalization of property assessments, if carried out, would more than provide the additional funds needed by our public education system.

Segregated Public Schools Essential

I wish to again recommend the enactment of a law placing our State colleges—with the exception of the Negro colleges—under the control of separate boards of trustees if they are not already under such boards. I make this recommendation because I see the need for further decentralizing control of our colleges due to continued attacks by race agitators to integrate our schools. This decentralization would make it more difficult for these agitators to attack more than one college at a time. I believe the Negro colleges should remain under the control of the

State Board of Education. I also recommend the enactment of a law placing the State trade schools under separate boards of trustees for the same reasons. The members of the Boards of Trustees should be appointed by the Governor for fixed and staggered terms, and the Governor should serve as ex-officio chairman of the boards in every case.

I want to say to you again that I am unalterably opposed to the integration of the races in our public schools. I will continue in the future, as I have in the past, to resist with every means at my command any attempt by the federal government or anybody else to force integration of the races upon us. Before I would submit to the integration of any school, I will recommend we close that school. The citizens of our State will not tolerate nor support an integrated school, and forced integration at any school in Alabama would result in violence and chaos.

If it becomes impossible to operate segregated public schools in any community in Alabama, I would recommend the closing of the public schools in those communities and the organizing of private schools to educate the children.

I am opposed to giving a single penny of State money for the operation of an integrated school. As I proposed in the last session, I again recommend that you enact a law authorizing the Governor to close any public school which cannot be operated without disorder. This law should supplement the other laws presently on the books allowing the closing of public schools by local school boards. Such a bill will be submitted to you, and I urge its prompt passage.

We must not compromise or give ground in this fight. We must not be swayed one iota by the so-called "token integrators" or the "gradual desegregators." If we back up one inch, it will spell the beginning of the destruction of our public school system—not only for the white race but for the Negro race as well.

At present, our most important consideration is giving the best possible education to every child in Alabama whether he is white or colored. This is our duty, and we will fulfill it if left alone. We are spending as much money and possibly more on school buildings for Negroes than for whites. We are paying a higher average salary to Negro school teachers than to whites. Surely the Negro citizens of Alabama recognize that we are sacrificing to educate their children and will not join the agitators to help destroy public education for us as well as themselves.

Generally, a kindly feeling exists in this State between the races. While this relationship is strained at times, it is altogether better than in many other States. We have experienced only isolated episodes of racial strife, and the responsibility for

these outbursts I place at the doorsteps of a handful of Negro preachers and school teachers who are influenced by outside troublemakers. While we cannot interfere with the right of free speech in the church, we can see to it that State money is not used to pay teachers to turn out race agitators and law violators. The role of the school is to educate and not to destroy.

A good education has never been more important than in our modern democratic society. Both races deserve the most extensive education which is available to them. I call, therefore, on the responsible Negro citizens of Alabama to join with us in the common cause of education, striving together to help make Alabama and our Nation a better place in which to live and work.

LAW ENFORCEMENT

Alabama is blessed today with good law enforcement. I am proud of the splendid morale and devotion to duty of our Highway Patrol, ABC agents, game wardens and other State law enforcement personnel. We are enforcing the laws of the State fairly and diligently, and we will continue to do so. We are free of organized vice and crime in Alabama, and we intend to remain that way. There will never be any let-up in our drive to keep Alabama free of the forces of vice and corruption.

Our Department of Public Safety is doing a remarkable job, particularly in the field of traffic safety. The Alcoholic Beverage Control Board is performing splendidly in enforcing our liquor laws. Our new water patrolmen, our game wardens and other State officers have also won much praise in the performance of their duties.

We have accomplished a lot in improving the pay and working conditions of our State employees. Much remains to be done, especially in the law enforcement field. In the budget which will be submitted to you, I will recommend additional appropriations for the Department of Public Safety to make it possible to give every highway patrolman at least a one-step raise in salary.

As you know, we are operating an excellent Police Academy at Gunter Field which trains State, county and municipal police officers. This academy contributes materially to our program of good law enforcement. However, the academy is in need of better quarters and facilities, and I recommend you appropriate \$250,000.00 from the General Fund to build and equip a new facility. We already own adequate land upon which to build this academy. In order to finance this project and provide additional funds for the General Fund, I recommend that you amend Title 36, Section 58(63), Code of Alabama, 1940, so as to raise the arrest fee where arrests are made by State officers from \$2.00 to \$5.00. The arrest fee now authorized where the arrest is made

by a sheriff is \$5.00, and this amendment will merely bring the arrest fees in line and thus help pay for the new Police Academy.

It is imperative that we modernize our system of keeping drivers' license records in the Department of Public Safety. We now use a manual system, and we need to convert to a business machine system. Under new regulations of the Insurance Department, insurance companies selling automobile liability insurance are authorized to set the premiums so that the safe and careful driver gets a lower rate than the driver with a bad record. This is a splendid service and should materially promote driver safety in our State.

Fact is, however, we are unable to furnish this information to insurance companies with our present record-keeping system. Therefore, I recommend an appropriation of \$160,000.00 from the General Fund to allow the Department of Public Safety to install an automatic filing system in its driver's license division. To finance this program and provide additional funds for the General Fund, I recommend that Title 36, Section 74(44), Code of Alabama, 1940, be amended to authorize the Department to charge \$1.00 instead of 50 cents for each certification of a driver's record. This should be adequate to finance the entire project and also bring Alabama in line with what other States are charging for the same service.

PARDON AND PAROLE BOARD

I want to thank you for the increased appropriation which you made available to the State Board of Pardons and Paroles for the current biennium. These additional funds have been used to employ 21 additional parole and probation supervisors, two area supervisors and needed office personnel. Thus, with the field staff practically doubled and the average caseload greatly reduced, the Board has been extremely successful in rehabilitating offenders. We have been able, therefore, to reduce the prison population by more than 400 inmates in two years' time.

This is important since Alabama has one of the highest prison populations in the Nation and it costs our taxpayers approximately \$725 to keep an inmate in prison for one year. At the same time, it also costs an average of \$750 a year to support the inmate's family while he is in prison. Once out of prison and rehabilitated, he not only ceases to be a financial drain on us but he also makes gainful contributions to our State.

I am sure you will agree with me that the operation of the State Board of Pardons and Paroles is of great benefit to our State in keeping hundreds of former inmates and other offenders on the "straight and narrow" and thereby saving Alabama taxpayers hundreds of thousands of dollars annually.

PRISONS

The Alabama Prison System has drawn wide praise, including even national recognition, in the last two years. This is to the great credit of the Board of Corrections and the Commissioner of the Board of Corrections and Institutions and his staff.

Morale among prison employees is much higher. This is because we have improved their pay and working conditions and thus been able to attract above-average guards and other personnel. I hope we are able to further increase salary levels in the coming months.

Kilby Prison itself presents our biggest headache. The old prison is outmoded and run-down, and I am convinced it should be rebuilt rather than repaired. It should also be relocated at a site well outside the residential area of any community. A careful study has been made of this problem by our prison officials and also by an interim committee of this Legislature.

In accordance with the committee findings, I recommend that necessary measures be passed to authorize a general obligation bond issue not to exceed \$10 million for the purpose of financing the relocation and construction of a new maximum security prison and a larger minimum security prison as well as the repair, renovation and modernization of our other prison installations. I recommend that you enact the necessary legislation to authorize the sale of the property now known as Kilby Prison and adjacent lands and to provide that funds from the sale of this property be placed in a trust fund, from which the principal and interest on the bonds will be paid as it comes due.

In this manner, we can rebuild and relocate Kilby and at the same time pay for the new prison facilities by the sale of the Kilby Prison property. This project can be easily financed in this fashion and will not require any additional taxes on our people.

A new prison replacing Kilby is desperately needed, and it would enable us to separate the hardened criminals from youthful offenders, making our task of rehabilitating State prisoners much easier. This, of course, would have the effect of reducing the expenses of our prison system.

Bills will be introduced to accomplish these recommendations, and I urge their prompt passage.

HIGHWAYS

If you drove to Montgomery for this Legislative Session, you probably saw highway construction in progress at several locations. Perhaps you traveled part of the distance on straight, new

stretches of highway. We are, of course, very proud of our statewide road-building program. Besides making driving safer and easier, modern highways will bring us more tourist dollars, increased interstate commerce and probably many entire new industries.

I believe, then, that you will agree with me that new highway construction is indeed a "sign of progress" in our State.

In recent years, Alabama has been hard pressed to build roads fast enough to keep up with the need created by more cars in use. Our investment in road construction has jumped from only \$9 million in 1940, to \$15 million in 1950, to \$45 million in 1955 and a staggering \$99 million in 1960. All told, our Administration had spent by April 1st of this year more than \$288,500,000 on our highway program. This is a tremendous expenditure—more than a quarter of a billion dollars—and I think almost every community and I know every county has received new road and bridge projects.

Our secondary or farm-to-market road program provides about \$25 million a year in county aid. Virtually every community of every county in the state is now connected with top grade county roads. We are making every effort to insure that all these roads are of the highest quality and will serve the people for many years. I doubt that any other State has a better county aid program or one, in fact, where the cooperation between the counties and the State is more satisfactory.

Our fine Interstate system claims all the headlines, but great improvements are also being made on our so-called primary highways. We are concentrating on sections carrying the heaviest traffic where four-lane divided highways are required. Some of these projects—such as U. S. 78 west of Birmingham, U. S. 431 southeast of Huntsville, through Glencoe and south of Gadsden, U. S. 82 through Tuscaloosa and U. S. 280 southeast from Birmingham—are in rough terrain and construction costs average \$450,000 a mile, four times the average two-lane primary road cost. The cost is heavy, but we are eliminating many a worrisome traffic bottleneck.

The State Highway System, for your information consists of 8,650 miles—all of which is carefully maintained. Maintenance is important because unkept highways quickly deteriorate. To safeguard our investment in good highways, we have spent in this Administration approximately \$19.5 million on highway maintenance. Besides building new roads, we are taking care of our present ones.

Liquid asphalt and other materials used in our repair work, incidentally, are now bought by strict competitive bid as are all

other major purchases. This has the effect of reducing the cost of road-building supplies in the open market, lowering the amount we must spend for each mile of road. For instance, whenever we ask for bids on highway projects, our engineers prepare realistic cost estimates. To give you an idea of the savings we have achieved through competitive bidding, the low bids we received in the last 15 months totaled \$5,944,000 under our own estimates. These savings mean more miles of road and better roads throughout Alabama.

One of our goals in the Highway Department is to make it easier to drive and safer to drive on Alabama highways. Design standards are higher than ever before, and I can assure you that we are building top quality highways. The traffic load requires better roadbeds, stronger bases and thicker pavements. Modern highways have no sharp curves or steep hills. There are more grade crossings and traffic cloverleaves. As a safety factor, thousands of miles of highways now have both center-line and edge-stripe markings. By last month, we had edge-striped 8,050 miles as compared with only about 1,000 miles in January, 1959. In my opinion, a highway safety-first program is essential.

Interstate System of Highways

Our new Interstate highways, of course, are safety engineered to reduce the accident rate. There is no cross-traffic and both the roadbed and the topography are conducive to easy, pleasant, mind-on-the-road driving. New sections of the Interstate system are being opened almost every month. Construction is going fast in rural areas and should be well underway in the cities by early next year. As an indication of the size of this program, I might mention that the annual cost of right-of-way increased from \$4 million in 1959 to \$7.4 million in 1960.

In a matter of months, you will be able to drive from the Tennessee line all the way to Mobile and beyond without slowing down or stopping once for a traffic light. What is more important, driving time between Alabama points and other States and major cities will be greatly reduced. As a result, we will undoubtedly see increased industrial development as well as more visitors and more tourist trade in our State.

This system of Interstate highways is extremely costly but the federal government puts up \$9 for every \$1 in State money. Nevertheless, we would not have been able to participate fully had you not wisely approved a revenue bond issue in the amount of \$60 million during your first Special Session of 1959. This bond issue has enabled us to match all available federal funds and speed up construction of this extraordinary highway system.

Our highway program is well financed. The revenues we are now receiving—from regular tax sources as well as the bond

issue—are sufficient to finance our ever-accelerating road program throughout the remainder of our Administration. When we leave office, the Highway Department will be in sound financial condition. You are to be highly commended for your wisdom in passing this highway bond issue.

In the field of needed legislation, I wish to point out to you that problems of right-of-way acquisition for new highways continue to plague the Highway Department. Our condemnation laws, in my opinion, are in dire need of revision and modernization. This has been the subject of a detailed study, and measures to accomplish the needed changes will be introduced in this Session. I recommend the passage of these bills.

CONSERVATION

Alabama's conservation program today is notable indeed. The progress made in the State Department of Conservation during the last two years is astounding, and this Department is now one of the most efficient and beneficial in State government.

During this Administration, a new Water Safety Division has been established. This was authorized by legislation which you enacted at your last Session. This Division is doing an outstanding job. Accidents on the lakes and waterways of the State are decreasing due to an excellent water safety program. However, more funds are needed to expand this program. These funds can be provided by amending the gasoline tax law to provide that the gasoline tax paid by purchasers of gasoline for use in boats be "earmarked" and appropriated for use by the Conservation Department in the Water Safety Division. Bills will be presented to you to accomplish this end, and I urge their passage.

The Division of Forestry has increased seedling production and for the first time has been able to meet the demand for seedlings. Forest management has been improved. Several new fire control towers have been constructed and a substantial amount of new equipment acquired for use in the fire control program. A new radio communications system has been installed, and it forms an integral part of our civil defense program.

The Game and Fish Division enforcement and research programs are providing better hunting and fishing. The deer-stocking program has been expanded, and we now have deer in 66 of our 67 counties. Better equipment has been distributed among the enforcement officers in all sections of the State, and the emphasis is now on prevention rather than apprehension in the enforcement of the game and fish laws.

Forty-four paved boat-launching sites on Alabama public waters have been completed during this Administration and many others are in the planning and construction stages. Additional public lakes have been built and others are under construction.

The Seafoods Division has greatly improved its enforcement and research programs through the addition of modern equipment and better trained personnel. Scientific management, now being applied, will provide considerable increases in our seafood production creating more jobs and added income for Alabamians.

Additional tent-camping and picnic areas are being opened by our Parks Division. Existing facilities have been repaired and remodeled. Every effort is being made to improve our State parks and public recreation areas so that they can be more fully utilized and enjoyed by our citizens.

Alabama is rich in history, and we have many outstanding landmarks in our State. At the mouth of Mobile Bay stands ancient Fort Morgan, which we are rapidly developing into a major historic site. We also hope to establish a State Park in Elmore County at the site of Fort Toulouse, which played an important part in the settlement of the Southeast. In the budget to be submitted to you, I will recommend the appropriation of \$25,000 from the General Fund for the purchase of land for a park at this location. I urge your approval.

A detailed inventory boundary-marking program has been inaugurated in the Lands Division in order to better protect and preserve the State's lands. Comprehensive studies of land use and values are in progress which will result in wiser management and a greater income from lands under the management of the Conservation Department.

It is the duty of the Conservation Department to serve citizens who are interested in hunting, fishing and the great outdoors. It is also making plans to augment a proposed federal forestry project which would provide work for our unemployed. Through many well-rounded programs, the Conservation Department is of great service to Alabama and its people.

DOCKS, HARBORS AND INLAND WATERWAYS

The State Docks Department at Mobile is now being managed in an efficient, business-like manner. After an operating loss of \$270,000 in 1958, we made a net profit in 1959 and 1960 of more than \$1 million despite a fall-off in ocean commerce. After depreciation and bonded indebtedness, we cleared \$789,000 in 1959 and more than \$470,000 last year. This year appears to be a bumper year for the State Docks with a profit of at least \$1

million in the making. In the first six months of this fiscal year, the Docks recorded a net profit of \$519,769—already more than all last year. This is an enviable record for the State Docks Department.

A serious problem which needs your attention is the low salary schedule authorized for State Docks employees. This problem is particularly acute among the management and supervisory personnel. At present, it is difficult for us to attract and keep experienced, competent employees at the Docks due to the low pay. Most other States, as well as private industry, offer much higher wages than we do for comparable jobs. A careful study has been made of this problem and legislation drafted to correct it. This measure will be presented to you for your consideration, and I urge its passage.

Our inland docks program is making headway. We have completed and put into operation Inland Docks at Florence, Decatur and Huntsville. We are now in the process of locating other docks at Cordova, Columbia, Eufaula and Phenix City. Surveys and studies are being made to determine the feasibility of constructing docks at additional locations. We must certainly continue to push the development of our inland harbors and waterways. This is a program of paramount importance to Alabama economy.

Additional funds are needed to continue these river improvements. As you know, the voters of Alabama have already authorized a general obligation bond issue for this purpose, and I recommend, therefore, that you pass an enabling act authorizing the sale of the remaining \$3,500,000 of these bonds to allow us to complete the inland dock facilities now under construction or in the planning stages and also to further develop our valuable inland waterways.

Our river system is said to be perhaps the most extensive of any State. This is good to know in view of the fact that river transportation is becoming more and more important to industrial growth. Undoubtedly our entire economic pace would quicken if a canal were dug to link the Alabama river systems with the Tennessee River. Such a canal would give Alabama manufacturers a direct route to the mid-West and it would also cause Mobile to mushroom as a port city. Plans for the construction of a canal—at various locations—are now under study by federal and state officials and agencies. I strongly urge that you support measures designed to bring about the early construction of such a canal. It is feasible, and it can be done.

As you know, the States of Alabama, Mississippi and Tennessee have entered into an interstate compact to cooperate in the construction of a canal connecting the Tombigbee and Tennessee

Rivers. We agreed then to appropriate \$100,000 per year for the Tennessee-Tombigbee Waterway Authority, which is the agency created to implement the compact. I will recommend in my budget that you appropriate from the General Fund \$100,000 per year for the next biennium to the Tennessee-Tombigbee Waterway Authority.

INDUSTRIAL DEVELOPMENT

We are now experiencing unprecedented business and industrial growth in Alabama. We are really on the move. Our State Planning and Industrial Development Board is doing yeoman service in attracting new industry to our State. During the first two years of this Administration, the Board reported 587 new and expanded industries—representing a capital investment of \$343 million and the creation of 27,600 new jobs. This was the largest reported growth of new industry in Alabama during any like period in our history.

This statewide industrial expansion did much to take up the slack in the economy caused by the long business sag. It is interesting to note that recent industrial growth is general and not confined to any particular locality or section. Almost every county in the State obtained new industry during the last two years. In the years ahead, we expect an even greater industrial boon.

The Planning and Industrial Development Board cooperates fully with county and municipal officials in promoting new plants and businesses. In the last two years, the Board has assisted 90 towns in planning for the orderly growth and design of their community facilities. This is a continuing planning program carried out under special agreement with municipalities. In the area of industrial development, the Board has placed increased emphasis on local participation in our effort to build Alabama industrially. Accordingly, some 120 towns and cities have now completed detailed inventories of community assets. Brochures outlining this information have been prepared and printed by the Board for wide distribution. Many other publications containing other pertinent information of Alabama's industrial advantages have also been published. These printed materials are valuable in assisting industries interested in locating new plants in Alabama.

The Board plans to further intensify its service to industrial prospects to better assist them in selecting Alabama sites for proposed new plants and industries. In the coming years, the Board will strive to further improve its services to local organizations, local governing bodies and interested citizens.

BANKING DEPARTMENT

Our State Banking Department has the confidence of Ala-

bama banking institutions. The banking industry is, of course, sound and growing fast. Banks contribute to our economy and prosper when the State prospers. I am happy to report that the banks in Alabama appear to be in an extremely healthy condition at this time.

The small loans bureau of the Banking Department is charged with the duty of enforcing the Alabama Small Loan Act, which you passed in the last Session. We believe great progress has been made in eliminating abuses in the small loan business. The present law is good and if administered fairly and properly, in my opinion, it will keep our State from ever becoming another paradise for loan sharks. I do not, therefore, recommend any changes in the Small Loan Act at this time.

LABOR

Due to the rapid industrial growth of our State in the last two years, we have been confronted with problems of both labor and management. It has been and will continue to be the desire of this Administration to promote peaceful and harmonious relations between labor and management at all times.

Our State Labor Department is concerned with the welfare of both employees and employers, and requests for the Department to serve as mediator in labor-management disputes have increased steadily. During this Administration, the Department has handled 716 mediation cases, only 75 of which resulted in work stoppages. Through the interest and attention of the Labor Department, work stoppages have been held to a minimum.

To better serve the Southern area of Alabama, a branch office staffed with competent and experienced conciliators has been opened in Mobile. Birmingham already has such an office. In addition to other duties, conciliators also collect, where possible, unpaid wage claims and have a highly successful record in the last two years.

The Labor Department just recently compiled and circulated a booklet containing Alabama labor laws and regulations. In cooperation with the Highway Patrol, the Department sponsors an annual Labor Day highway safety program. We think it has helped greatly in holding down holiday accidents.

Labor Day is a special holiday in my book because my Administration is designed to serve the working man and woman of Alabama. I want you to know that I am a strong believer in and supporter of organized labor. I will not support the enactment of any law which imposes upon or harasses labor in any way, nor will I allow any law presently in existence to be used in such manner. I am entirely in sympathy with the men and women who must work and work hard for a living.

ARCHIVES AND HISTORY DEPARTMENT

One of the outstanding and most important departments of our State government is that of Archives and History. It has done a splendid job over the years and the Director and his staff are deserving of highest commendation.

In order to better preserve the books, records and valuable treasures of the State, the Archives and History Building should be air conditioned. I recommend that you appropriate \$100,000.00 from the General Fund to air condition this building. The budget which I will submit to you will recommend this appropriation.

MILITARY

The Alabama National Guard, with over 18,000 active guardsmen, has maintained its position as the fifth largest guard organization in the entire Nation. During the past year, the Alabama Guard attained the highest rating from the Army and Air Force ever received by any State. The 31st Infantry Division was awarded the Third Army training trophy, and the 117th Tactical Reconnaissance Wing in Birmingham and the 160th Tactical Reconnaissance Squadron in Montgomery were rated the top reconnaissance units in the Air Guard program. Our Military Department is to be highly commended, and I am proud to report to you that our Guard stands ready to take its position alongside the active Army and Air Force if needed by our country.

On several occasions during the past two years, I have ordered certain units of the Guard into the State service to assist our people and communities with emergency conditions such as ice storms and floods. The Guard is especially equipped and trained for this type of work and when called upon they perform in an excellent manner. Many of our guardsmen have, on occasion, displayed extraordinary heroism and performed acts above and beyond the call of duty. The Guard is a reserve of trained manpower and equipment available in times of disaster and emergency. Our National Guard is a great credit to our State.

As the Guard continues to grow, its building requirements must be met. During the past two years, we have completed a fine hospital armory at the Medical Center in Birmingham, 10 truck maintenance shops at Prattville, Montgomery, Athens, Attalla, Enterprise, Brundidge, Ozark, Auburn, Opelika and Andalusia, and an aviation shop hangar for the Army Aviation program in Birmingham. We now have under construction new armories at Georgiana, New Brockton, Ashford and Abbeville. Upon their completion, we will have 251 military structures in the State with an appraised value of approximately \$23 million.

The Guard, working closely with the Civil Defense Department, has embarked upon a shelter program to insure survival in the event of a nuclear attack or serious disaster.

I have recommended in the budget which I will submit to you a substantial increase in appropriations to the State Armory Commission to provide the necessary funds for the construction of new armories and for other needed improvements to our military installations. Funds available for care and maintenance of our armories are limited. This is a major problem, and I have recommended in my budget substantial increases in appropriations to the Military Department for this purpose. I urge you to adopt my recommendations without change.

CIVIL DEFENSE

Indifference on the part of the public is an obstacle which our State Department of Civil Defense is slowly overcoming. More citizens—and particularly public officials—are becoming civil defense conscious. This is due mainly to an excellent State civil defense program.

Civil defense units have been organized in 46 counties, and plans are being laid for future organizations in all the other counties. Much progress has been made in coordinating activities of city, county and State agencies in an over-all civil defense program. Such combined operations, with the assistance of federal and State civil defense personnel, have come to the aid of our citizens during recent disasters, particularly the ice storm in North Alabama in 1960 and the floods of 1961 in Central Alabama. I wish to commend all the governmental agencies and citizens as well as private organizations for the humane, life-saving service rendered our State and its people in these emergencies. This teamwork was greatly responsible for keeping down loss of life and damage to property.

The Civil Defense Department has assisted counties and municipalities in securing millions of dollars worth of federal surplus property for civil defense purposes at a small percentage of the original cost. Also, the department has secured federal grants totaling \$225,000 to assist in improving the radio communications systems of the State Highway Department and Department of Public Safety. In addition, some \$101,000 in federal matching funds has been made available through the Department for use by counties and municipalities in purchasing communications and other equipment.

During the last two years, 13 more civil defense emergency 200-bed hospitals have been obtained and placed at strategic points over the State. We now have 30 such facilities. A total

of 29 family-type fall-out shelters are under construction at high schools all over Alabama to be used for demonstration purposes.

At the present time, the Department is working closely with counties and municipalities in seeking federal funds for repairing damage to public facilities caused by the recent floods. All the while, the Department is continuing its regular work—conducting courses in civil defense for law enforcement agencies and others, issuing radiological detection kits and participating in numerous tests and drills. In short, the Department is doing everything it possibly can to give Alabama and its citizens a realistic civil defense program.

ATOMIC ENERGY

We must move forward in the development of atomic energy for peacetime industrial uses. The Southern States, under the auspices of the Southern Governors' Conference, have proposed an interstate compact providing for the joint development and regulation of atomic energy. It is important that Alabama participate fully in this cooperative effort of the Southern States.

I recommend that you enact the necessary legislation to ratify this compact, providing the machinery which will enable us to work jointly with our Southern neighbors in the full development of atomic energy.

TOURISM

Each dollar a tourist brings to Alabama changes hands many times, making the tourist trade important to our economy. Our State is attracting more and more visitors, due both to our far better than average highways and also our year-around tourist promotion.

This is the responsibility of the State Department of Publicity and Information, which works all year long to spread word of our unusual scenic beauty and abundant recreational facilities. We advertise in national magazines and newspapers, we staff national conventions and we exhibit in large regional travel shows. This is a new venture for the Department, and it is not unusual for 75,000 to 100,000 persons to stop by the Alabama exhibit at a single travel show in Cincinnati, or Chicago, or Dallas. We work closely with the Chambers of Commerce, the Alabama Travel Council and other tourist promotion organizations in putting on such exhibits. We usually have "Miss Alabama" or the "Maid of Cotton" or a beauty queen passing out Alabama camellias, and our exhibits are really show-stoppers. We attract wide attention, and we are drawing many thousands more tourists to our State.

I have recommended in my budget a substantial increase in appropriations to the Department of Publicity and Information to be used to expand our program of advertising Alabama tourist attractions.

AGRICULTURE

Alabama is basically an agricultural State, and we must make every effort to protect the interest of our farmers and promote agriculture. Unless the farmer prospers, the State in general does not prosper.

I wish to take this opportunity to commend our State Commissioner of Agriculture and Industries and the State Department of Agriculture and Industries for the outstanding job that they are doing, and for the cooperation and assistance that they have given this Administration.

The budget which I will submit to you contains recommendations for appropriations to the Department of Agriculture and Industries and for programs designed to promote agriculture and related activities. I particularly call your attention to the substantial increase in appropriations which I have requested for use in the program for the prevention of Bang's disease. I have also recommended in my budget an appropriation of \$100,000 from the General Fund to assist in commencing a program at Auburn University to study new and modern methods for the cultivation of cotton, a crop which is most important to our economy.

INDUSTRIAL RELATIONS

The Department of Industrial Relations deals with many thousands of persons every day—finding them jobs, paying unemployment compensation, and counseling workers. It is essential, therefore, that the Department put its best foot forward in serving the public. And this it has done with great credit to the State.

During the last two years, the Department obtained more than 321,000 jobs for out-of-work citizens in Alabama industries, stores and farms. An additional 13,000 farm workers were referred to out-of-State jobs during off-seasons here at Home. In this same period, the Department paid \$59,535,000 in unemployment compensation to more than 200,000 persons in this State who had lost their jobs through no fault of their own. Individual payments averaged \$23 a week.

Thus, the Department during the last two years has secured more jobs for more people and paid higher average unemployment compensation than ever before in State history. Throughout a period of relatively high unemployment, the Department

has continued to function smoothly and it today provides excellent service to the people of Alabama with a minimum of delay and inconvenience.

The Department is now better prepared to serve the public with new State Employment Offices at Dothan, Eufaula, Jasper, Opelika, Phenix City and Roanoke. It is also doing its part to boost industrial development in Alabama. A large number of labor surveys have been conducted in the interest of attracting new industries. Numerous high school seniors have been given job counseling and vocational guidance with a view toward their employment in a wide range of industries.

During the next two years, the Department will launch the new huge temporary emergency unemployment compensation program and we expect to disburse some \$60 million to \$70 million in unemployment benefits during this period. We hope to further reduce the lag between the time an employee loses his job and the receipt of his first unemployment check. We plan to streamline our employment service, stressing greater assistance to farmers and businessmen.

In order to render the additional services which are needed, certain laws governing the Department of Industrial Relations must be amended and supplemented. These changes are, in fact, long past due. We need to increase the maximum weekly benefit amount of compensation to unemployed persons. We need to give our residents a more realistic duration period for drawing their unemployment benefits. We need to shorten the waiting period between loss of job and first unemployment check. We need to make changes in the workmen's compensation laws to better provide for injured employees, and we also need to make changes in the child labor law to better protect our young people. These changes can be made within the present experience rating formula and still maintain the minimum tax rate as now provided in the law. Bills providing for these needed changes in our laws were submitted to you during your last Session. I do not believe that there was any opposition to these bills; however, they failed to pass due to a congested calendar in the last days of the Session. These measures will be submitted to you again for your consideration. I urge their early passage.

AERONAUTICS

During the last two years, the Alabama airport program has been the most extensive of any State, with more projects in more towns than any other. The program is supervised by the State Department of Aeronautics and financed with State grants from aviation gas tax revenue without burden on the general taxpayer.

State grants in 1959-60 and 1960-61 total \$1,072,381 and these grants have assisted more than \$4 million worth of airport construction. Since January 1959, there have been 84 projects in 58 towns, providing the small towns of Alabama with airports and paved runways of sufficient size to accomodate large business and executive aircraft. They are assisting the industrial development of the State, for the town that cannot land a plane often cannot land new industry either.

There is still great need for airports and additional facilities in other towns. Applications are now pending from 51 towns, asking for \$900,000 more in State funds. It is anticipated that funds will be available in the next fiscal year for new fields and other facilities in at least 40 towns, many of them without airport facilities at this time. Our airport program, I believe you will agree, is second to none.

INSURANCE

The insurance industry continues to grow and expand in Alabama, and it enjoys the confidence of the people. We have certain laws governing the insurance business, and these laws are administered by our State Department of Insurance. I believe the insurance industry both respects and trusts this Department in the enforcement of the insurance laws. It is performing its duties in an exemplary manner.

Our insurance laws are generally sound, but there is room for improvement. Certain amendments are desirable and some sections need to be rewritten and revised. The Superintendent of Insurance and his staff have made a careful study of these laws, and they are in a position to advise you and make recommendations.

I urge that you make a careful examination of our insurance laws, and I want to assure you that the Insurance Department as well as this Administration will work with you and assist in every way possible. It is imperative that every effort be made to insure that our statutes are designed to promote a sound insurance industry and protect the interests of the people.

CONCLUSION

During the last two years, we have achieved many important goals and made great progress toward others. I wish I had time to report to you in detail on all the agencies and programs of the State. However, I can tell you now that every State department and agency is carrying out its functions and duties in an exemplary manner and in accordance with our laws. I believe the State government to be in excellent condition and moving forward.

To the best of my ability, I have presented to you the most important problems facing us today. I have made recommendations to you which I think will aid in solving these problems. Much study has been given these recommendations, and I urge you to adopt them.

In my opinion, the budget which I will submit to you for your consideration is realistic and makes adequate provisions for all of the functions of the State. I recommend that you adopt this budget. It calls for no new taxes, and I again strongly urge that you do not increase taxes. The economy of the State and the present tax burden on our people is such that I believe it would be unwise to raise taxes at this time.

I want to publicly express my deep appreciation for the courtesy and cooperation which you have extended me during my Administration. I have received the same thoughtful treatment from the career employees of the State, and I am most grateful. It gives me pleasure to state to you that in my opinion no more loyal, efficient and patriotic group of public servants has ever surrounded or aided any governor. I am particularly pleased and appreciative of the continuous assistance which I have received from the heads of the Executive Departments and the Constitutional Officers of the State. For whatever accomplishments have been made, I am only entitled to share in the praise with these Department heads and our devoted State employees.

A great portion of any credit due this Administration belongs, of course, to the Legislature. I pledge to you my complete support and cooperation in carrying out your duties in this Session and in representing your constituents. I stand ready to work closely with you in solving the problems which confront us and in doing those things which will build a greater Alabama.

On our labors, jointly and severally, as faithful servants of the people of Alabama, humbly I invoke the blessing of Almighty God.

Thank you.

ALABAMA LAWS

and Joint Resolutions

REGULAR SESSION OF 1961

Act No. 1

H. J. R. 2—Smith (Russell)

HOUSE JOINT RESOLUTION

WHEREAS, it has been the custom and practice for many years for each member of the Alabama Legislature to receive a set of the Alabama Code at each Regular Session of the Legislature; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a set of the Code of Alabama, Recompiled 1958, be furnished to the Lieutenant Governor and to each member of the Alabama Legislature.

Approved May 2, 1961

Time: 5:12 P.M.

Act No. 2

S. J. R. 4—Jones, Moses, Eddins, Graham, Turner, Word, Haltom, Clark, Webb, Shelton, Kendall, Wyatt, Barnett, Archer, Roberts, Godfrey, Hines, Samford, Rutledge, Leonard, Dumas, Gaither, Robison, Caffey, Wilson, Andrews, deGraffenried, Berryman, Cooper, Golson, Givhan and Crawford.

SENATE JOINT RESOLUTION

WHEREAS the phenomenal success of Project Mercury has electrified the Free World and has demonstrated the ingenuity, sagacity, and determination of the men responsible for this epochal achievement, which is of utmost significance in the development of the Free World's security system, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that heartiest congratulations and best wishes are extended to Commander Alan B. Shepard, Jr., the fearless astronaut who risked his life for the advance of science and the prestige of his country; to

the outstanding scientist, Werhner von Braun, Director of the National Aeronautical Space Agency at Redstone Arsenal, Huntsville, Alabama, whose team perfected the Redstone booster missile used in Project Mercury; and to all other persons who took part in this superb feat.

Approved May 16, 1961
Time: 10:00 A.M.

Act No. 3

S. J. R. 5—Crawford

SENATE JOINT RESOLUTION

WHEREAS, the Honorable Orville Freeman the Secretary of Agriculture of the United States and a former Governor of the State of Minnesota will visit the State of Alabama on official business during the week ending May 27, 1961; and

WHEREAS, Secretary Freeman has shown a genuine interest and sympathetic understanding of the problems of agriculture in Alabama and the South, and he will be accompanied on his visit by Dr. E. T. York, Jr., recently appointed Administrator of the Federal Extension Service of the United States Department of Agriculture, who previously served as Director of the Alabama Extension Service.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that an invitation from the Governor and Legislature of Alabama is hereby cordially extended to Secretary Orville Freeman and to Dr. E. T. York, Jr., to visit the Legislature on Friday, May 26, 1961, and that Secretary Freeman be invited to address a joint session of the two houses of the Legislature on that date at a time and on a subject agreeable to him.

BE IT FURTHER RESOLVED that the Governor is hereby respectfully requested to transmit this invitation from him and the Legislature to Secretary Freeman and to Dr. York, and to advise the Legislature of the time convenient for Secretary Freeman to visit and address the Legislature.

Approved May 16, 1961
Time: 10:01 A.M.

Act No. 4

H. J. R. 3—Self, Rast, Reynolds (Madison), Gross, Pruitt, Harvey, Cook, Albea, Daniel, Ingram, Martin, Turner,

Camp, Hardy, Johnson
 (Hardaway), Johnston
 (Leonard), Oakley, Smith
 (Russell), Solomon, Shu-
 mate, Bevill, Sullivan, Ray,
 Jones (Covington), Hank-
 ins, Bishop, Dodd, Cates,
 Taylor, Speaks, McClendon
 (Chambers), Reynolds
 (Chambers), Cabiness, Ses-
 sions, Britton, Hain, Turn-
 ham, Lee, Owens, Dunn,
 Powell, Broadfoot, Faulk,
 Jones (Monroe), McCorquo-
 dale, Trimmier, Murphy,
 Nettles, Hawkins, Grant,
 Glass, Brannan, Casey, Tho-
 mas, Dickson, Rozelle, Cor-
 nett, Goodwyn, Jenkins,
 Smith (St. Clair), Hanby,
 Merrill, Harris, Edwards,
 Morrow, Long (Perry)

HOUSE JOINT RESOLUTION

WHEREAS, The Congress of the United States recently passed and on May 1, 1961 the President of the United States, John F. Kennedy, signed into law the "Depressed Areas Bill," which is of vital concern to the State of Alabama in view of certain areas of the State having been heretofore declared depressed areas, the number of unemployed persons within the State, and the economic conditions prevailing, especially in certain areas of the State, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the expeditious enactment at this time of the "Depressed Areas Bill" by the Congress, and the President of the United States, which is to give assistance to the depressed areas of the United States and the State of Alabama, is highly commendable.

AND, BE IT RESOLVED FURTHER, that the Clerk of the House transmit a copy of the resolution to the President of the United States, John F. Kennedy, and to each member of Congress from the State of Alabama.

Approved May 16, 1961
 Time: 10:02 A.M.

Act No. 5

H. J. R. 6—Bailey, Pierce, Gold-
thwaite, Goodwyn

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that we warmly thank our host of Tuesday evening, the Alabama Savings and Loan League, and its genial Executive Vice President, Frank S. Harris, for this convivial affair marked by rich cordiality and extra hospitality.

RESOLVED FURTHER, that the Clerk be directed to send an enrolled copy of this resolution to Mr. Harris.

Approved May 16, 1961
Time: 10:04 A.M.

Act No. 6

H. J. R. 7—Bishop, Broadfoot

HOUSE JOINT RESOLUTION

WHEREAS the act of Congress creating the Tennessee Valley Authority directs the corporation to take custody of the Wilson Dam and appurtenant plants at Muscle Shoals, Ala., and to operate them in the interest of national defense and for the development of new types of fertilizers, as well as to develop the Tennessee River and its tributaries in the interest of navigation, flood control, and generation and distribution of hydro-electric power; and

WHEREAS the most vital part of this federal agency's program is concentrated at Wilson Dam, in Alabama, and its general offices should be located there; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Board of Directors of the Tennessee Valley Authority are urgently requested to give immediate consideration to a removal of the general offices of the corporation from Knoxville, Tennessee, to Wilson Dam in Alabama.

RESOLVED FURTHER, that the Clerk of the House be directed to send enrolled copies of this resolution to the directors of the Tennessee Valley authority, to the members of Alabama's congressional delegation, and to the President of the United States.

Approved May 16, 1961
Time: 10:05 A.M.

Act No. 7

H. J. R. 9—Sessions, Rast, Edwards,
Bevill, Martin, Ramey,
Callahan

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING: The recent retirement from the office of State Geologist of Dr. Walter Bryan Jones, who for many years has served this State and the nation ably, faithfully, and courageously in numerous fields, and who has often been an astute counselor to members of this body, brings mixed emotions, for the State will surely miss his official services, and yet such an employee has truly earned the privilege of retiring.

BE IT FURTHER RESOLVED that the Legislature hereby salutes Dr. Jones for his great contribution to the recent economic and industrial growth of Alabama, for certainly while State Geologist and Commissioner of Conservation his constant, energetic, and enthusiastic search for the most modern and practical means by which the full potential of Alabama's resources might be realized, his publication of the information amassed about the kinds and locations of Alabama's natural resources, his unwavering faith in the advisability and feasibility of developing commercially profitable businesses utilizing many of these resources, and his strong advocacy of practicing the most modern methods of eliminating waste and conserving these resources, have been major factors leading toward location and expansion of many industries in Alabama. His farsighted guidance in developing the State's gas and oil fields is an outstanding example of his contributions in this field; and the rapid growth of this industry is a tribute to Dr. Jones' loyalty and integrity in administering Alabama's sensible and fair laws, enacted pursuant to his advice, to govern the development of this industry.

BE IT FURTHER RESOLVED, that it is the sincere wish of this body that Dr. Jones may enjoy for many years to come the benefits that accompany retirement and have ample time for fishing, hunting, and indulging in his many other hobbies; but that he will also find time to counsel with and advise future lawmakers and state administrative officials on the subjects about which he is truly an authority.

BE IT FURTHER RESOLVED, THAT THE Clerk of the House be directed to send an enrolled copy of this resolution to Dr. Jones.

Approved May 16, 1961
Time: 10:06 A.M.

Act No. 8

H. J. R. 15—Camp, Albea, Broadfoot,
Nichols, Franklin, Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a joint session of the House and Senate be held on May 16, 1961, for the purpose of hearing a concert by the Alabama School for the Blind band.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Mr. E. A. McBride and that he be cordially invited to attend the concert and appear before the House and Senate with the band.

Approved May 16, 1961
Time: 10:08 A.M.

Act No. 9

H. J. R. 16—Ingram

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

Recent developments in the realm of outer space, guided missiles, and other atomic age weapons and the invaluable services rendered by the Civil Defense Agency in saving life and property when Alabama's rivers and streams went on an unprecedented rampage early this year have emphasized and pointed up the pressing need for a well planned system of civil defense ready to go into immediate action when emergencies arise, and brought home to each member of this body the need to be better informed about our program of civil defense; therefore,

BE IT FURTHER RESOLVED, that an invitation is hereby extended to the Honorable Frank B. Ellis, National Director of the Office of Civil and Defense Mobilization, to address a joint meeting of the two houses of the Alabama Legislature on Tuesday, June 13.

The invitation shall be addressed to Mr. Frank B. Ellis, National Director, Executive Office of the President, Office of Civil and Defense Mobilization, Washington 25, D. C.

Approved May 16, 1961
Time: 10:10 A.M.

Act No. 10

H. J. R. 17—Smith (Russell)

HOUSE JOINT RESOLUTION

WHEREAS the dependence of Alabama economy on a net-

work of modern highways has been clearly established and proved by the registration of more than 1,240,000 motor vehicles in the State of Alabama for operation on the highways; and

WHEREAS the development of our State highway system has been a remarkable development during the last half century; and

WHEREAS the present Alabama road network reflects credit on the highway construction and maintenance industries and on the Federal-State-County partnership arrangement which has financed, built, and maintained it; and

WHEREAS this year of 1961 is the fiftieth anniversary of the founding of the State Highway Department by an Act of the State Legislature approved on April 5, 1911; and

WHEREAS the State of Alabama is constructing 878 miles of the high-standard national system of interstate and defense highways launched by the Federal Highway Act of 1956 and designed to meet the traffic needs of 1975; and

WHEREAS, under the same Federal Highway Act of 1956 Alabama, along with other states, has been able to accelerate the construction rate for the Federal-Aid Primary and Secondary Road Systems and their extension into urban areas; and

WHEREAS Alabama's population of 3,245,806 million depends to an ever-increasing extent on highways for its livelihood, its education, its national and international security, its recreational, religious, cultural, and family life; and

WHEREAS the direct benefits to the highway user of the construction of adequate highways have been conservatively estimated at three times their cost; and

WHEREAS better highways of adequate capacity to meet increasing traffic demands will provide additional benefits such as upgrading of property values, creation of industrial, commercial, and residential sites accessible to the roads, reduction of human suffering by reducing the number of accidents, and increasing the joy and pleasure of motoring on adequate, safe highways; and

WHEREAS the dates of May 21 to 27, 1961, provide an opportunity for directing public attention toward due recognition of the foregoing achievements and accomplishments; and

WHEREAS the 87th Congress of the United States of America has passed a concurrent resolution and the President of the United States has issued a proclamation designating the week of May 21 to 27, 1961, as National Highway Week and calling upon all the people of the nation for the observance of such

week with appropriate proceedings and ceremonies: Now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA (THE SENATE CONCURRING), That the week of May 21 to 27, 1961, is hereby designated as National Highway Week, and the Governor is requested to issue a proclamation for appropriate observance by the citizens of the State of Alabama.

Approved May 24, 1961

Time: 9:10 A.M.

Act No. 11

H. J. R. 18—Nichols, Turnham, Solomon, Gilmer, Martin, Pierce, Lee, Harvey, Turner, Sessions, Hawkins, Salter, Adams, Ingram, Rast, Cates.

HOUSE JOINT RESOLUTION

WHEREAS Coach Wilbur Hall Hutsell is completing his fortieth year of service to Auburn University; and

WHEREAS he is being honored on Saturday, May 13, 1961, on the occasion of the annual Southeastern Conference Track and Field Meet being held at Auburn University; and

WHEREAS during his entire forty years of service he has been teacher and friend to thousands of students, and has held the position of Head Track Coach, and during those years served also at various times as trainer, and athletic director; and

WHEREAS Coach Hutsell's record at Auburn will go down in track history as one of the finest ever achieved by a coach, although history cannot fully record what he has meant to this University; and

WHEREAS this producer of athletic champions and winning teams is tied to his school and his athletes by bonds of love, and he is rightfully called the "Dean of Southern track and field coaches," and is known for his ideals of fair play, sportsmanship, and the utmost in integrity; and

WHEREAS in the coaching to two conference championship teams, sixty-seven individual champions, five olympic performers, and in the process of establishing an overall dual-meet record of 132-25, Coach Hutsell has never sacrificed his principles for a victory; and

WHEREAS Coach Hutsell has exemplified the perfect leader, a standard to which the young and impressionable mind could cling and adhere, and for this, more important than any

athletic victory, Coach Hutsell is accorded the love and deep respect of all who have had contact with him over these past years, now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we join with a myriad of friends and admirers to offer homage and best wishes to Coach Hutsell on the successful completion of forty years of outstanding service in a brilliant career.

Approved May 24, 1961
Time: 9:11 A.M.

Act No. 12

H. J. R. 19—Sullivan, Ramey, Ferguson, Grant, Ashworth, Avery, Pruitt, Jones (Monroe), Daniel, Harvey, Callahan

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we extend to our beloved colleague and friend, W. L. Martin, Jr., deep sympathy on the passing of his dear brother Elbert H. Martin, of Birmingham, whose untimely death is so widely mourned.

Approved May 24, 1961
Time: 9:12 A.M.

Act No. 13

H. J. R. 20—Harris

HOUSE JOINT RESOLUTION

WHEREAS, certain selected citizens of DeKalb County have rendered unselfish and enduring service in behalf of the county government and especially the legislative delegation from DeKalb County by diligently studying certain problems connected with the county government of DeKalb County and by making recommendations for the disposition of those problems, and

WHEREAS, these citizens are:

Hon. Byron Lang, Principal of Ider High School, Chairman,
Hon. Max Howard, Executive Vice-President of Fort Payne Bank and member of the County Bar Association, Vice-Chairman,

Hon. Joe E. Thompson, Accountant, Vice-Chairman,
Hon. A. D. Naylor, Principal of Crossville High School,
Hon. Morris Lamunyon, President of the County Farm Bureau,

Hon. George Leath, Employee of W. B. Davis Hosiery Mill,

Hon. Paul Crowe, President of M & S Steel Company, and
Hon. Doward Jones, Editor and Publisher of the Times-Journal, and

WHEREAS, the Legislature wishes to express its approval and gratification for the untiring efforts of this group of citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the Legislature expresses its gratitude to these citizens for their time, their work and their interest in their county's government.

Approved May 24, 1961
Time: 9:13 A.M.

Act No. 14 H. J. R. 24—Pierce, Bailey, Goodwyn, Goldthwaite, Oakley, Cabiness, Long (Perry), Hain, Daniel, Glass, Ingram, Thomas, Jenkins, Speaks, Avery, Barnett, Boyd, Morrow, Locke, Sessions, Perry, Rast, Hawkins, Gross, Broadfoot, Rogers, Dunn, Oden, Cates, Bevill, Adams, Hearn, Nichols, Camp, Shumate, Bassett, Johnston, Faulk, Powell, McClendon, Chambers, Solomon, Harvey, Nettles, Ashworth, Sullivan, Callahan, Pruitt, Reynolds (Madison), Ramey, Harris, Cornett, Smith (Russell), Ray, Albea, Martin, McCorquodale, Johnson (Elmore), Reynolds, (Chambers), Jones (Monroe), Branyon, Steagall, Franklin, Dodd, Turner, McClendon, Turnham, Casey, Meade, Gilmer, Brannan, Brooks, Hardy, Phillips, Gordon, Dickson, Smith (St. Clair), Owens, Hanby, Merrill, Guthrie, Salter, Johnson (Tallapoosa), Bishop, Hankins, Edwards, Long (Lauderdale), Grant, Self, Gilchrist, Cook, Rozelle, Torbert, Grouby, Lee, Ferguson, Vickers, Jones (Covington), Taylor, Roberts, Brewer, Copeland

HOUSE JOINT RESOLUTION

WHEREAS, violence and civil disorder have been brought in recent days to our State as a result of outside conspiracies against our laws, and

WHEREAS, the dominant attitude of our people is one of disapproval of violence and disorder, and

WHEREAS, these conditions come about due to the invasion of the State by a band of irresponsibles promoting program of trespass and similar violations of local law deliberately calculated to arouse resentment, friction and publicity, and

WHEREAS, this reaction has been intentionally provoked and created by a group of trouble makers professionally trained for the purpose, and

WHEREAS, these agitators are acquainted with the customs, traditions, laws and feelings of the people of Alabama, and

WHEREAS, with full knowledge of the possible results, a willful and deliberate scheme and conspiracy was entered into to violate local customs, traditions and laws by outsiders, and

WHEREAS, this conspiracy to violate the customs, traditions and laws of Alabama was announced and given wide publicity as to time, place and intention, and

WHEREAS, the plain purpose of the intrusion of the CORE so-called "Freedom Riders" in Alabama was not to visit the State in good faith for lawful and peaceable purposes, but solely to incite breaches of the peace and bring about conditions of public unrest, and

WHEREAS, a principal objective of Communists and others dedicated to the destruction of the United States of America is by similar means to create disorder, public violence, and social unrest, and

WHEREAS, this announced and advertised intrusion into Alabama did in fact provoke violence, breaches of the peace and unrest in several communities in the State, and

WHEREAS, the President, without the request or consent of the proper officials of the State of Alabama unnecessarily sent several hundred United States Marshals to the capital of Alabama for the stated purpose of maintaining law and order, and

WHEREAS, the State of Alabama has been at all times and is now fully capable of maintaining law and order in the state and fully intends so to do, and

WHEREAS, there have existed basic and friendly personal relations between the races in Alabama which have been progressively constructive until disrupted by professional agitators, and aggravated by the wholly unwarranted action of the Federal Government in sending four hundred marshals into Alabama, impliedly sanctioning the invasion, and unless so disrupted by outsiders there is no reason why this potential understanding, good will and progress should not continue:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses concurring:

1. That the Governor of Alabama has the full support of the Legislature and the people of this state in issuing the proclamation of limited martial law in Montgomery;

2. It is the judgment of the Legislature of Alabama that the organization and action of bands or groups, for the announced and publicized purposes such as those of the recent so-called "Freedom Riders" must be regarded as willful incitation to violence and disorder and as a conspiracy against the public interest;

3. That the public order and peace is presently being maintained and will continue to be maintained in this state by the officials of the State of Alabama;

4. That the President of the United States is hereby requested to remove all federal marshals and officers not at their normal stations of duty from the confines of the State of Alabama;

5. That the President of the United States is further requested to use the power and prestige of his office to dissuade all persons and groups from deliberately taking actions calculated to cause breaches of the peace in the State of Alabama;

6. That people and groups unfamiliar with problems in the State of Alabama lend their assistance to the people of this state in preventing the deliberate creation of conditions of unrest, violence and hatred and join with the people of Alabama in promoting the mutual interest of all the people of this state within the framework of its customs and traditions.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the Secretary of State of Alabama to the President of the United States, the Attorney General of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, to each member of the United States Congress and to the governors of the several states.

Approved May 24, 1961
Time: 9:14 A.M.

Act No. 15

S. J. R. 8—Green

SENATE JOINT RESOLUTION

WHEREAS, the Honorable William Albert Davis served as a member of this body with honor and distinction from 1954 through 1958; and,

WHEREAS, his services and activities as a member of the Senate contributed greatly to the progress and benefit of the State of Alabama and to the Fourteenth District which Senator Davis so ably represented; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the death of the Honorable William Albert Davis is noted with profound regret, his passing is deeply mourned, and sincere sympathy is extended to his family for their grievous loss.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to his widow Mrs. William Albert Davis.

Approved May 24, 1961
Time: 9:15 A.M.

Act No. 16

S. J. R. 10—Shelton

SENATE JOINT RESOLUTION

WHEREAS Miss Janie Forsyth, a charming and intelligent seventh grader at Walter Wellborn School, Anniston, has won over 56 other contestants in the Post-Herald State Spelling Bee, and is Alabama's new spelling champion, who will compete soon in the National Spelling Bee in Washington; be it

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That we compliment and commend this fine young Alabamian on her success in state competition and extend to her best wishes in the National Contest.

Approved May 24, 1961
Time: 9:16 A.M.

Act. No. 17

S. J. R. 11—Samford

SENATE JOINT RESOLUTION

WHEREAS Coach Wilbur Hall Hutsell is completing his fortieth year of service to Auburn University; and

WHEREAS he is being honored on Saturday, May 13, 1961, on the occasion of the annual Southeastern Conference Track and Field Meet being held at Auburn University; and

WHEREAS during his entire forty years of service he has been teacher and friend to thousands of students, and has held the position of Head Track Coach, and during those years served also at various times as trainer, and athletic director; and

WHEREAS Coach Hutsell's record at Auburn will go down in track history as one of the finest ever achieved by a coach, although history cannot fully record what he has meant to this University; and

WHEREAS this producer of athletic champions and winning teams is tied to his school and his athletes by bonds of love, and he is rightfully called the "Dean of Southern track and field coaches," and is known for his ideals of fair play, sportsmanship, and the utmost in integrity; and

WHEREAS in the coaching of two conference championship teams, sixty-seven individual champions, five olympic performers, and in the process of establishing an overall dual-meet record of 132-25, Coach Hutsell has never sacrificed his principles for a victory; and

WHEREAS Coach Hutsell has exemplified the perfect leader, a standard to which the young and impressionable mind could cling and adhere, and for this, more important than any athletic victory, Coach Hutsell is accorded the love and deep respect of all who have had contact with him over these past years, now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we join with a myriad of friends and admirers to offer homage and best wishes to Coach Hutsell on the successful completion of forty years of outstanding service in a brilliant career.

Approved May 24, 1961
Time: 9:17 A.M.

Act No. 18

H. J. R. 21—Boyd, Bassett, Pierce, Nettles, Bailey, Chambers, Goldthwaite, Taylor, Solomon, Glass, Powell, Dickson, Faulk, Brooks, Goodwyn, Owens, Oakley, Adams, McLendon, Rozelle, Jones (Covington), Thomas, Cook, Lee, Cornett, Smith (Russell), Jones (Monroe), Salter, Rogers

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Charles Bunyan Smith is the first and only

graduate of Troy State College to serve as president of the college; and

WHEREAS, under the guidance of Dr. Charles B. Smith Troy State College has taken its place among the most highly esteemed teacher training institutions in our nation; and

WHEREAS, under the guidance of Dr. Charles B. Smith there has been developed at Troy State College a program of general education and liberal arts study which is a source of pride among all our alumni; and

WHEREAS, throughout his professional career Dr. Charles B. Smith has exemplified the high moral and ethical values fostered through the years at Troy State College; and

WHEREAS, Dr. Charles B. Smith has demonstrated an intellectual capacity and interest sufficient to challenge all those who have had the privilege of associating with him; and

WHEREAS, Dr. Charles B. Smith has always put the welfare of Troy State College, its students, faculty, and alumni above all personal consideration, and has through his effective and unselfish leadership, with great devotion to duty, brought to Troy State College a period of development and growth unmatched in its history; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the building on the Troy State College campus now known as the student center and all future innovations and additions to said building, per plans already approved by the college administration and the State Board of Education, namely the addition of an auditorium and music building, shall be named Charles Bunyan Smith Hall; and that said name shall be duly recorded in the records of the State Department of Education and the Troy State College; and that said name shall be appropriately inscribed on the outside of said building.

Approved May 26, 1961
Time: 11:00 A.M.

Act No. 19

H. J. R. 14—Jones (Monroe)

HOUSE JOINT RESOLUTION

WHEREAS, Miss Nelle Harper Lee, of Monroeville, widely acclaimed daughter of a distinguished father, Honorable A. C. Lee, who ably served several terms in the House from Monroe County, has won a Pulitzer Prize in letters and fiction with her best-seller, "To Kill a Mockingbird." and has thereby taken a place alongside such writers of reknown and great talent as

Allen Drury, James Agee, McKinlay Kantor, and William Faulkner; and

WHEREAS, Alabama is tremendously proud of the illustriousness of Miss Lee, and of her accomplishment, which made her a celebrity; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer homage and special praise to this outstanding Alabamian who has gained such prominence for herself and so much prestige for her native State.

RESOLVED FURTHER, That the Clerk be directed to send an enrolled copy of this resolution to Miss Lee at Monroeville; that a copy be sent to the **Monroe Journal**; and that copies be furnished members of the capitol press corps.

Approved May 26, 1961

Time: 11:01 A.M.

Act No. 20

H. J. R. 22—Boyd

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That H. J. R. 21, which has passed both Houses be known and designated as the Boyd, Bassett and Turner Resolution.

Approved May 26, 1961

Time: 11:00 A.M.

Act No. 21

H. J. R. 25—Callahan, Ferguson

HOUSE JOINT RESOLUTION

WHEREAS Joseph H. Boteler, one of the foremost citizens of Tuscaloosa County, Alabama, passed away in Tuscaloosa on the 13th day of May, 1961, and

WHEREAS Mr. Boteler was for nineteen years a member of the Tuscaloosa County Board of Education and devoted much of his time and energy, far beyond the normal call of duty, to the upbuilding and improvement of the educational system of Tuscaloosa County, and

WHEREAS the citizens of his county recognized and honored his true worth by naming a Football Field, the Joe Boteler Stadium and by naming a High School The Boteler High School:

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that this Leg-

islature does take note with deep regret, at the passing of this fine Southern gentleman and does express its deepest sympathy to the bereaved family.

BE IT FURTHER RESOLVED that the Clerk of this House be directed to transmit a copy of this resolution to Mrs. Joseph H. Boteler, at No. 4 Elm Drive, Tuscaloosa, Alabama and that a copy of the same be transmitted to Dr. Woodrow W. Elliott, the County Superintendent of Education of Tuscaloosa County, Alabama and that a copy be sent to the Tuscaloosa News.

Approved May 26, 1961
Time: 11:02 A.M.

Act No. 22

S. J. R. 7—Archer

SENATE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the building used as the Huntsville University Center as "John R. Morton Hall."

WHEREAS, The Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the Huntsville University Campus, used as the Huntsville University Center, the "John R. Morton Hall" in honor of Dean John Robert Morton, Dean of Extension of the University of Alabama and a recognized national leader in adult Higher Education; therefore

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the building used as the Huntsville University Center as the "John R. Morton Hall."

Approved May 31, 1961
Time: 9:30 A.M.

Act No. 23

S. J. R. 12—Graham, Andrews, Robison,
Farmer and Eddins

SENATE JOINT RESOLUTION

Since the Honorable J. Tom Phillips served with honor and distinction in the Senate halls of this great state from 1951 to 1954, the Legislature of Alabama does deeply regret his untimely passing.

Senator Phillips, aside from possessing a friendly disposition and a lovable character, was always sympathetic with the problems of his fellow man. During his legislative career, though

he occupied a high station in life, he concerned himself with bringing about prison reforms and aid to the aged and blind.

He gained for himself the often sought, yet seldom acquired, title of statesman.

Therefore, be it resolved by the Senate, the House concurring, that this Resolution be spread upon the records of each House, on a separate page of the Journal, and that a copy be sent to his widow.

Approved May 31, 1961
Time: 9:31 A.M.

Act No. 24

S. J. R. 15—Robison

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate of Alabama, the House concurring, that H. J. R. No. 24 be known as the Robison, Givhan, Webb, Barnett, Clark, Word, Moses, Jones, Graham, Dumas, Green, Wyatt, Gaither, Hines, Leonard, Porter, Golson, Samford, Turner, Kendall, Cooper, Wilson, Eddins, deGraffenried, Farmer, Caffey, Archer, Berryman, Andrews, Rutledge, Crawford, Shelton, Haltom, Roberts and Godfrey Resolution in addition to those House members whose names are signed to said Resolution.

Approved May 31, 1961
Time: 9:32 A.M.

Act No. 25

H. J. R. 26—Rast, Edwards, Locke, Hawkins,
Morrow, Sessions, Perry

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Charles Harrison served Jefferson County for a period of twenty-four years, and

WHEREAS, Mr. Harrison was throughout his life a Christian Gentleman dedicated to the improvement of the conditions of his fellowmen, and

WHEREAS, Mr. Harrison's monuments will exist forever as they are the many citizens of Jefferson County Alabama who are better people because of his fine service, and

WHEREAS, Mr. Harrison has resigned as Associate Commissioner of Jefferson County on the advice of his physician, now

THEREFORE BE IT RESOLVED, that the House of Representatives and the Senate of the State of Alabama, while regretting the loss of Mr. Harrison to the public service, wish him God speed and every happiness and success in his golden years.

Approved June 2, 1961
Time: 3:55 P.M.

Act No. 26

H. J. R. 30—Brannan, Jones (Monroe)

HOUSE JOINT RESOLUTION

WHEREAS, Dr. William Coghlan Holmes passed away on Sunday, May 21, 1961; and

WHEREAS, Dr. Holmes served ably in this Legislature as Senator from the Twenty-first District from 1938 to 1942; and,

WHEREAS, Dr. Holmes served his country with distinction in the United States Navy for five years and was retired as a Commander in the Naval Reserve; and,

WHEREAS, Dr. Holmes practiced medicine in Baldwin County for more than thirty (30) years, giving freely of his skill to people in all walks of life regardless of their ability to pay; and

WHEREAS, the people of Alabama have suffered a great loss in the passing of this distinguished humanitarian who contributed so much to the progress and benefit of his county and state; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the death of Dr. William Coghlan Holmes is noted with profound regret, his passing is deeply mourned, and sincere sympathy is extended to his family for their grievous loss.

BE IT FURTHER RESOLVED, That the Clerk of the House transmit a copy of this resolution to the family of Dr. Holmes.

Approved June 2, 1961
Time: 3:58 P.M.

Act No. 27

H. J. R. 31—Turnham, Torbert, Harris, Jenkins, Cates, Harvey, Jones (Monroe), Hawkins, Nichols, Ingram, Lee, Long (Perry), Grant, Oakley, Nettles, Daniel, Thomas, Salter, McLendon (Bullock), Avery, Meade, Vick-

ers, McClendon (Chambers), Johnson (Hardaway), Johnston (Leonard), Solomon, Chambers, Rogers, Adams, Cook, Steagall, Ferguson, Phillips

HOUSE JOINT RESOLUTION

Dr. E. T. York, a native Alabamian, of DeKalb County, who earned both a bachelor's degree and a master's degree from Auburn University, later earning a doctor's degree from Cornell University, was appointed Director of the Extension Service at Auburn on May 1, 1959, where he instituted an accelerated and far-reaching program of extension education on the farms and in rural towns throughout Alabama while serving in this capacity; and

WHEREAS Dr. York, being recognized as one of America's outstanding men in agriculture, was recently appointed Administrator of the Federal Extension Service;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend the National Administration and the Secretary of the U. S. Department of Agriculture for selecting this outstanding young Alabamian as the Administrator of the Federal Extension Service, and extend best wishes to Dr. York in his new position.

BE IT FURTHER RESOLVED that the Clerk of the House is directed to send copies of this resolution to Dr. York, to the Secretary of Agriculture and to the President of the United States.

Approved June 2, 1961
Time: 4:00 P.M.

Act No. 28

H. J. R. 32—Vickers

HOUSE JOINT RESOLUTION

WHEREAS Mrs. J. T. Johnson, the mother of our distinguished colleague from Tallapoosa County, Tom Johnson, passed away on Monday, May 29, 1961; and

WHEREAS, the members of the Legislature desire to express their sympathy to our colleague, Tom Johnson, and the other members of the family, in their hour of sorrow; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the members of

the Alabama Legislature do hereby collectively and individually express their sympathy to our colleague, Tom Johnson, and the other members of the family in the loss of Mrs. J. T. Johnson.

Approved June 2, 1961

Time: 4:05 P.M.

Act No. 29

H. J. R. 33—Albea, Gordon, Cates, Hawkins, Ray, Gross, Cabiness, Speaks, Perry, Turner, Casey, Edwards, Jones (Monroe), Morrow, Locke, Beville, Johnson (Hardaway), Hearn, Johnston (Leonard), McLendon, Chambers, Bailey, Franklin, Lee, Long (Perry), Rogers, Rozelle, Turnham, Powell, Smith (Russell), Hain, Steagall.

HOUSE JOINT RESOLUTION

WHEREAS the life expectancy of all citizens of the State of Alabama is steadily increasing due to great advances in medical technology and living comforts so that today some two hundred and sixty one thousands in our State are aged sixty-five and over; and

WHEREAS this State's society and economy have not been revamped to take into account the numerous problems of the aging, which have accompanied this increase in age of citizens of the State; and

WHEREAS, though the senior citizens of this State sorely need help in solving many of their problems, they also constitute a valuable asset to the State, since by wise community planning many of their years of retirement can be converted into years of productive activity, filled with meaningful friendship and significant contributions to their communities, State and Nation; and

WHEREAS communities throughout the State of Alabama will profit greatly by utilizing the knowledge, wisdom and experience possessed by many of our older citizens, which were acquired during a lifetime devoted to helping bring about the amazing growth of the economy of Alabama: Now, therefore,

BE IT RESOLVED, That it is the sense of the Legislature of Alabama that the month of May of each year should be declared "Senior Citizens Month", by the Governor of Alabama, and the first Sunday and Sabbath in May should be proclaimed as "Golden Age Sunday" and "Golden Age Sabbath," and that

such day should be set apart in our homes, churches, synagogues and other places of worship to show honor and respect to our golden age citizens, and to give thanks to them for their numerous contributions to our State and Nation. The Purpose of the month of May is to spark activities that will be continuous throughout the year; and

BE IT FURTHER RESOLVED, That all the people of the State of Alabama should be asked at this time to lend their efforts and talents toward developing a plan and Instituting a program whereby better homes, higher living standards, improved nursing care, recreational and educational opportunities will be made available to this ever increasing number of citizens of Alabama who so richly deserve the opportunity to live out their lives as useful citizens, having a definite place in the society of our glorious state.

Approved June 2, 1961
Time: 4:10 P.M.

Act No. 30

S. J. R. 18—Crawford

SENATE JOINT RESOLUTION

WHEREAS, Dr. Paul H. Hoch, Commissioner of Mental Hygiene of the State of New York is a man of wide experience and professional attainment in the treatment of people with mental illness, and

WHEREAS, under the leadership of Dr. Paul H. Hoch, remarkable progress has been achieved in this field by the State of New York, and,

WHEREAS, this noted speaker is to be the guest of the Alabama Association for Mental Health on June 23rd, therefore,

BE IT RESOLVED by the Legislature of Alabama, both Houses concurring, that the Legislature of Alabama does hereby extend an invitation to Dr. Paul H. Hoch to address a Joint Session on the 23rd of June, 1961.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. Paul H. Hoch in New York.

Approved June 2, 1961
Time: 4:10 P.M.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Washington County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

“Section 1. The court of county commissioners, board of revenue, or other like governing body of Washington County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

“Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 may be levied and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes.”

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which

proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate May 19, 1961.

Passed the House June 2, 1961.

Act No. 32

S. 27—Archer

AN ACT

Relating to Madison County; authorizing and regulating the closing of offices of officials in the court house of Madison County one weekday in each calendar week during the year, in addition to closing on certain legal holidays as prescribed by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Instead of closing half a day every week as provided by the Act of June 9, 1945, all offices of officials in the court house of Madison County may be closed all day on one weekday in each calendar week during the year, in addition to the legal holidays on which such offices may be closed as prescribed by law. The day in each calendar week on which such offices may be closed shall be determined by majority vote of the members of a board, which shall be composed of the judge of probate, tax assessor, tax collector, and chairman of the board of county commissioners of Madison County, and the presiding judge of the circuit court of Madison County.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961.

Time: 9:00 A.M.

Act No. 33

S. 103—Crawford

AN ACT

To repeal Act No. 369, H. 847, Regular Session 1953, entitled "An Act to provide clerical assistance to courts of county commissioners, boards of revenue or other governing bodies in counties having a population of not less than 16,450 nor more than 17,500" (Acts of Alabama, Regular Session 1953, vol. I, p. 439).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 369, H. 847, Regular Session 1953, entitled "An Act to provide clerical assistance to courts of county county commissioners, boards of revenue or other governing bodies in counties having a population of not less than 16,450 nor more than 17,500" (Acts of Alabama, Regular Session 1953, vol. I, p. 439), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved June 12, 1961.

Time: 9:01 A.M.

Act No. 34

S. 108—Cooper

AN ACT

To amend further Code of Alabama 1940, Title 13, Section 380, which relates to the appointment and compensation of clerks of juvenile courts, to delete certain provisions of local applicability because of population classifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 380, as amended, is amended further to read as follows:

"Section 380. The judge of the juvenile court may appoint as clerk of the court any probation officer or a clerk of the probate court. The judge may also appoint as deputy clerk of the court any other probation officer or clerk of the probate court. Such clerk and deputy shall receive no additional remuneration for their services to the juvenile court."

Section 2. This Act shall take effect August 1, 1961.

Approved June 12, 1961.

Time: 9:02 A.M.

Act No. 35

S. 109—Cooper

AN ACT

To repeal Act No. 135, H. 412, approved June 26, 1951 (Acts of Alabama 1950-1951, vol. I, p. 360), an act providing for additional compensation to the tax assessors and tax collectors of counties having populations of not less than 18,675 nor more than 19,150 inhabitants, according to the 1950 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section I. Act No. 135, H. 412, approved June 26, 1951 (Acts of Alabama 1950-1951, vol. I, p. 360), an act providing

additional compensation for the tax assessors and tax collectors of counties having populations of not less than 18,675 nor more than 19,150 inhabitants, according to the 1950 or any subsequent federal decennial census, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved June 12, 1961
Time: 9:03 A.M.

Act No. 36

S. 110—Cooper

AN ACT

To repeal Act No. 684, H. 1090, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1036), an act providing for the compensation and travel expenses of the superintendents of education in counties having populations of not less than 18,700 nor more than 19,100 inhabitants, according to the 1950 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 684, H. 1090, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1036), an act to provide for the compensation and travel expenses of the superintendents of education in counties having populations of not less than 18,700 nor more than 19,100, according to the 1950 or any subsequent federal decennial census, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved June 12, 1961
Time: 9:04 A.M.

Act No. 37

S. 111—Cooper

AN ACT

To repeal Act No. 427, H. 777, approved November 13, 1959 (Acts of Alabama 1959, vol. 2, p. 1117), an act providing for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having populations of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 427, H. 777, approved November 13, 1959 (Acts of Alabama 1959, vol. 2, p. 1117), an act to provide for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having populations of

not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved June 12, 1961

Time: 9:05 A.M.

Act No. 38

S. 112—Cooper

AN ACT

To repeal Act No. 441, H. 905, approved November 13, 1959 (Acts of Alabama 1959, vol. 2, p. 1131), an act to provide for the payment of certain expenses of the county or deputy solicitors of counties having populations of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 441, H. 905, approved November 13, 1959 (Acts of Alabama 1959, vol. 2, p. 1131), an act to provide for the payment of certain expenses of the county or deputy solicitors of all counties having populations of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved June 12, 1961

Time: 9:06 A.M.

Act No. 39

S. 113—Cooper

AN ACT

To repeal Act No. 512, H. 931, approved September 30, 1947 (General Acts 1947, p. 354), an act relating to the jurisdiction of inferior courts in all counties having populations of less than 20,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 512, H. 931, approved September 30, 1947 (General Acts 1947, p. 354), an act "To fix the jurisdiction of Inferior Courts in all counties of less than 20,000 population according to the last or any subsequent Decennial Federal Census which now have Inferior Courts," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961

Time: 9:07 A.M.

Act No. 40

S. 122—Turner

AN ACT

To repeal Act No. 136, H. 409, approved June 26, 1951 (Acts of 1951 Vol. I, p. 361), which prescribed additional duties and compensation for the county solicitor of any county having a population of not less than 18,765 nor more than 19,150 inhabitants according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 136, H. 409, approved June 26, 1951 (Acts of 1951, Vol. I, p. 361), which prescribed additional duties and compensation for the county solicitor of any county having a population of not less than 18,765 nor more than 19,150 inhabitants according to the last or any subsequent federal census, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:08 A.M.

Act No. 41

S. 123—Turner

AN ACT

To impose additional duties upon the county solicitor of any county having a population of not less than 14,875 nor more than 15,200 inhabitants according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census, and to increase his compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 14,875 nor more than 15,200 inhabitants according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census, whenever requested by the probate judge of the county, the county solicitor, in addition to all other duties now imposed upon him by law, shall assist the sheriff in all major criminal investigations, and shall assist the welfare department in investigations relative to juvenile cases. He shall also, when requested by any justice of the peace to do so, appear and represent the State in any criminal proceedings before such justice.

Section 2. For the new, extra and additional duties imposed upon him by this Act, the county solicitor shall receive additional compensation in the amount of six hundred dollars (\$600) per annum, payable in twelve equal installments out of

the general fund of the county, as his present salary is paid. This extra, new and additional compensation hereby provided shall be in addition to any and all compensation allowed him by and under the provisions of any other law, whether general, local or special.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:10 A.M.

Act No. 42

S. 124—Turner

AN ACT

To provide for the compensation and travel expenses of the county superintendent of education in counties having a population of not less than 14,875 nor more than 15,200 inhabitants, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education of any county having a population of not less than 14,875 nor more than 15,200 inhabitants, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census, shall receive a salary of not more than six thousand dollars (\$6,000.00) per annum, payable in equal monthly installments. Such superintendent of education shall also receive an allowance not to exceed one thousand dollars (\$1,000.00) per annum as reimbursement for travel expenses incurred in the performance of his duties. The exact amount of such salary and expense allowance shall be fixed by the board of education of any such county, and shall be paid out of the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:11 A.M.

Act No. 43

S. 125—Turner

AN ACT

To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 14,875 nor more than 15,200, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or deputy solicitors of all counties having a population of not less than 14,875 nor more than 15,200, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of their duties, by the employment of secretarial or clerical assistants or otherwise, in the amount of one hundred fifty dollars a month, to be paid from the general funds of the county at the end of each month on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961

Time: 9:12 A.M.

Act No. 44

S. 126—Turner

AN ACT

To repeal Act No. 684, H. 1090, approved September 20, 1957 (Acts of 1957, Vol. II, p. 1036), which provided for the compensation and travel expenses of the county superintendent of education in counties having a population of not less than 18,700 nor more than 19,100 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 684, H. 1090, approved September 20, 1957 (Acts of 1957, Vol. II, p. 1036), which provided for the compensation and travel expenses of the county superintendent of education in counties having a population of not less than 18,700 nor more than 19,100 inhabitants, according to the last or any subsequent federal decennial census, is hereby repealed.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:15 A.M.

Act No. 45

S. 127—Turner

AN ACT

To require the tax assessor and tax collector of counties having a population of not less than 14,875 nor more than 15,200 inhabitants as shown by the 1960 preliminary county totals for Alabama, 1960 census of population, or by any subsequent federal decennial census, in addition to such duties as are now required of them by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor and tax collector of such counties, to be paid out of the general fund of such counties, on account of such extra and additional duties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be effective only in those counties of the State having a population of not less than 14,875 nor more than 15,200 inhabitants as shown by the 1960 preliminary county totals for Alabama, 1960 census of population, or by any subsequent federal decennial census.

Section 2. That in addition to all duties required of the tax assessors and tax collectors of such counties by law, they shall cause investigations to be made of all real or personal property subject to tax assessment in such counties, when requested so to do by the Board of Equalization of such counties and furnish said board such information as it might desire in connection with any tax assessment, and that the tax assessor and tax collector likewise be required to furnish said board with any information available to them concerning any tax assessments of any and all property in such counties, upon request, before or after establishing any assessment value thereon by said board.

Section 3. The tax assessor and tax collector of such counties each be and they are hereby allowed as compensation for the performance of the duties and rendition of the services required of them by this Act, the sum of \$600.00 per annum, in addition to the compensation now fixed by law, which said additional compensation shall be payable out of the general fund of such counties in twelve equal monthly installments.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961

Time: 9:16 A.M.

Act No. 46

S. 128—Turner

AN ACT

To repeal Act No. 441, H. 905, approved November 13, 1959 (Acts of 1959, Vol. II, p. 1131), which provides for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 441, H. 905, approved November 13, 1959 (Acts of 1959, Vol. II, p. 1131), which provides for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961

Time: 9:17 A.M.

Act No. 47

S. 129—Turner

AN ACT

To repeal Act No. 135, H. 412, approved June 26, 1951, (Acts of 1951, Vol. I, p. 360), which prescribes additional duties and compensation for the tax assessor and tax collector of counties having a population of not less than 18,675 nor more than 19,150 inhabitants as shown by the last or any subsequent federal census, for certain duties relative to the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 135, H. 412, approved June 26, 1951 (Acts of 1951, Vol. I, p. 360), which prescribes additional duties and compensation for the tax assessor and tax collector of counties having a population of not less than 18,675 nor more than 19,150 inhabitants as shown by the last or any subsequent federal census, for certain duties relative to the county board of equalization, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:20 A.M.

Act No. 48

S. 130—Turner

AN ACT

To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 14,875 nor more than 15,200, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputies of the sheriff of any county having a population of not less than 14,875 nor more than 15,200, according to the 1960 preliminary county totals for Alabama, 1960 census of population, or any subsequent federal decennial census, whose compensation is paid by the county, shall be responsible for enforcement within the county of highway traffic control laws and rules of the road enacted into law, in such measure as the sheriff may determine. When any such deputy is assigned to traffic law enforcement, his compensation that is payable by the county may be paid entirely or partly from the county highway traffic control fund, as the county governing body may prescribe.

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:21 A.M.

Act No. 49

S. 131—Turner

AN ACT

To repeal Act No. 427, H. 777, approved November 13, 1959 (Acts of 1959, Vol. II, p. 1117), which provides further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 427, H. 777, approved November 13,

1959 (Acts of 1959, Vol. II, p. 1117), which provides further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:22 A.M.

Act No. 50

S. 196—Haltom

AN ACT

To provide that in equity suits in Lauderdale County the depositions of witnesses or parties upon oral examination for discovery or for use as evidence may be taken as provided in Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.); to provide that in such county in equity suits the scope of the examination, the use of such depositions, the effect of using such depositions, the method of compelling the attendance of the person sought to be examined and the penalties for the failure of such person to appear for such examination, shall be the same as provided for by said Act No. 375 of the Legislature of Alabama of 1955; to provide that the provisions of this Act shall apply to future suits and pending suits in such county and also to depositions heretofore taken in pending suits, provided the party or parties taking such depositions in taking the same proceeded under said Act No. 375 of the Legislature of Alabama of 1955; and to provide that the provisions of any law or rule of court in conflict with the provisions of this Act shall be repealed to the extent of such conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Lauderdale County.

Section 2. In any equity suit in the county, whether such suit be pending at the time of the adoption of this Act or be thereafter filed, any party may take the deposition of any person, including a party, by deposition upon oral examination for the purpose of discovery, or for use as evidence, in the suit, or for both purposes, in the manner, upon the terms and conditions prescribed by Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.), hereinafter referred to as Act No. 375.

Section 3. The scope of the examination and cross-examination shall be the same as that provided for in Act No. 375.

Section 4. (a) Subject to the conditions set forth in subsection (b) of this Section 4, the depositions provided for by this Act shall be governed by the following sections of Act No. 375:

Section 4, entitled "USE OF DEPOSITIONS."

Section 5, entitled "OBJECTIONS TO ADMISSIBILITY."

Section 6, entitled "EFFECT OF TAKING OR USING DEPOSITIONS."

Section 7, entitled "NOTICE OF EXAMINATION; TIME AND PLACE."

Section 8, entitled "STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS."

Section 9, entitled "ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS."

Section 10, entitled "MOTION TO TERMINATE OR TO LIMIT EXAMINATION."

Section 11, entitled "RECORD OF EXAMINATION; OBJECTIONS."

Section 12, entitled "PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN."

Section 13, entitled "SUBMISSION TO WITNESS; CHANGES; SIGNING."

Section 14, entitled "CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING."

Section 15, entitled "FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES."

Section 16, entitled "EFFECT OF ERRORS AND IRREGULARITIES IN DEPOSITIONS."

Section 17, entitled "REFUSAL TO ANSWER."

(b) The word "judgement" as used in any of the sections of Act No. 375 shall include decree or order; and the word "clerk" as used in any of the sections of Act No. 375 shall include "register".

Section 5. (a) This Act shall apply to suits pending at the time of the adoption of the Act and to suits thereafter filed.

(b) If any party to any suit pending when this Act is adopted has theretofore taken any deposition or depositions in such suit and in taking such deposition or depositions has conformed to, or complied with, the provisions of Act No. 375 governing the taking of depositions in actions at law, then this Act shall apply to such deposition or depositions and to the use and consideration thereof in the said suit; and if such pending suit is submitted to the Court prior to the adoption of this Act and any such deposition or depositions taken as aforesaid has been

offered in evidence by either party to the suit prior to the said submission, the Court having the said suit on submission shall accord the said deposition or depositions the same consideration and effect as if this Act had been in effect at the time of the submission of said suit.

Section 6. The provisions of any law or rule of Court in conflict with the provisions of this Act shall be repealed to the extent, but only to the extent, of such conflict.

Section 7. The provisions of this Act are in addition to any other provisions relating to the taking of depositions or discovery depositions of witnesses or parties and the provisions of this Act are cumulative.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 12, 1961
Time: 9:23 A.M.

Act No. 51

H. J. R. 40—Roberts, Reynolds (Madison)

HOUSE JOINT RESOLUTION

WHEREAS, Alabama is proud to have among its present citizens Dr. Wernher von Braun, a man whose fame as an authority on the conquest of space has spread throughout the world, and who with his team, contributed so much towards the recent flight into space bringing honor to this state for its part in that glorious achievement; and

WHEREAS, no scientist in the free world is better qualified to visualize the conquest of space than this man who for more than thirty years has been experimenting with rockets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That a cordial invitation is hereby extended to Dr. von Braun to speak to a joint session of the two Houses on Tuesday, June 20, at eleven o'clock, on a subject of his choice.

Approved June 16, 1961
Time: 10:00 A.M.

Act No. 52

H. J. R. 34—Torbert, Turnham,
Smith (Russell).

HOUSE JOINT RESOLUTION

WHEREAS, July 2, 1962, marks the centennial of legislation providing for the establishment of the national system of Land-Grant Colleges and State Universities; and

WHEREAS, there has been established national recognition of the celebration of the centennial of this historic act by the United States Congress; and

WHEREAS, Auburn University is Alabama's Land-Grant University and has contributed most valuable services to Alabama through its three main divisions of instruction, research and extension; and

WHEREAS, some 32,000 degrees have been awarded by Auburn University since it became the State's Land-Grant University and at present has an annual enrollment of over 11,000 students; and

WHEREAS, the research division conducts extensive research projects through the main Agricultural Experiment Station at Auburn, ten substations, five experiment fields, a plant breeding unit, five forest units, an ornamental horticulture field station, and a foundation seed stocks farm; the Auburn Research Foundation; and the Engineering Experiment Station; and

WHEREAS, the Extension Service carries the results of research and other scientific information to Alabama people in cooperation with county, state and federal groups; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we commend Auburn University upon the excellent service it has rendered and is rendering the State of Alabama, the South and the Nation, and endorse its participation in suitable statewide observance during the academic year of 1961-62 for the 100th anniversary of the enactment of the Morrill Act.

Approved June 16, 1961

Time: 4:50 P.M.

Act No. 53

H. J. R. 37—Goodwyn, Bailey, Pierce,
Hain, Franklin, Gold-
thwaite, Dickson, Brooks,
Brannan, Dunn, Jones
(Monroe), Copeland,

Johnson (Hardaway),
Nettles, Johnston (Leonard).

HOUSE JOINT RESOLUTION

WHEREAS, The comprehensive plan of the ultimate and initial development of the Alabama-Coosa River System was authorized by the 79th Congress in 1945 for navigation, flood control, hydro-power, and other purposes, and

WHEREAS, During the period from 1870 to 1917 the Congress authorized several surveys and did appropriate funds for the construction of five locks and dams on the upper section of the Coosa River and for dredging the channel of the Alabama River for navigation, and

WHEREAS, The Federal Government issued a license to private interests to develop limited hydro-electric power by the construction of three dams on the Coosa River; these dams being completed in 1914, 1923, and 1929, and

WHEREAS, The Congress appropriated funds from 1946 to June 30, 1952, for planning of the three dams as part of the initial plan of development of the Alabama River as authorized in the Rivers and Harbors Act of 1945, and

WHEREAS, The 83rd Congress enacted Public Law 436 that in effect authorized private interests to develop additional hydro-electric power potential on the Coosa River; subsequently a license was issued in 1957 by the Federal Power Commission in accordance with Public Law 436 to private interests to develop additional power potential by construction of four dams; two dams to provide flood control, with provisions made in the four dams for installation of locks for navigation; the locks to be constructed later by the U. S. Corps of Engineers; under provisions of the license, construction of the four power dams on the Coosa River is to be completed by the year 1968, and

WHEREAS, The 86th Congress did appropriate funds for resumption of advanced planning and design of the Millers Ferry multiple-purpose dam, Alabama River; these funds are now being utilized by the U. S. Corps of Engineers to continue planning of this dam, and

WHEREAS, The Federal Budget for Fiscal Year 1962 contains three items for three projects in the plan of development of the Alabama-Coosa River System; the items are:

1. \$375,000 to complete advanced planning and design of Millers Ferry multiple-purpose dam, Alabama River.

2. \$75,000 to resume planning of the Claiborne Lock and Dam, Alabama River.

3. \$300,000 to complete planning and design of Carters flood and power dam, Coosawattee River, Georgia, and

WHEREAS, The continued economic growth of the commercially tributary area of 26,000 square miles with a population of three million, and the economic strengthening of the Nation is directly dependent upon the complete development of the Alabama-Coosa River System; the second largest in the Southeastern region,

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of Alabama, the Senate concurring, that the Congress of the United States be requested to approve the three items contained in the 1962 Federal Budget in total amount of \$750,000 to expedite the development of the Alabama-Coosa River System; and further that a copy of this resolution be forwarded to Alabama's two United States Senators and nine Congressmen, and that they be urged to request appropriate committees of both the Senate and House of Representatives to approve the three items contained in the Budget, and to actively work for approval of the appropriations in the Senate and House; and further that a copy of this resolution be transmitted to Hon. Allen J. Ellender, Chairman of the Sub-Committee on Appropriations for Public Works, United States Senate, and to Hon. Clarence Cannon, Chairman of the Sub-Committee on Appropriations for Public Works, House of Representatives.

Approved June 16, 1961

Time: 4:51 P.M.

Act No. 54

H. J. R. 38—Speaks, Cates, Franklin,
Casey, Shumate.

HOUSE JOINT RESOLUTION

WHEREAS, the rivers and streams of Alabama constitute our greatest natural resource, and

WHEREAS, these streams furnish outstanding facilities for sportsmen and for recreational purposes in the State of Alabama, and

WHEREAS, the pollution of these streams creates serious hazards to the health, recreation, and income of many people of the State of Alabama, and

WHEREAS, there has recently occurred an incident of pollution of the Coosa River in one of the counties of the State which

seriously endangered the health, recreation and enjoyment of a portion of the Coosa River which lies in Shelby, Coosa and Chilton Counties

NOW BE IT RESOLVED BY THE LEGISLATURE, THE SENATE CONCURRING:

As follows: That the Legislature of the State of Alabama deploras the pollution of our streams and the injuries to our natural resources; that they entreat the Conservation Department, the Health Department and the Water Improvement Commission to immediately investigate this occurrence to determine whether or not this occurrence was illegal and, if so, to punish the parties responsible. And, that immediate steps be taken to prevent re-occurrence of this type in the future on any of the streams of this State.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Clerk of the House to the Director of Conservation, the Director of the Department of Health, and to the Chairman of the Water Improvement Commission.

Approved June 16, 1961

Time: 4:52 P.M.

Act No. 55

H. J. R. 39—Jones (Covington)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That the Legislature notes with pride the announcement of the recent appointment as Surgeon General of the United States of Dr. Luther L. Terry, a native of Red Level, Alabama, who received his early training and medical experience in Alabama and other Southern States.

BE IT FURTHER RESOLVED, that the Legislature is especially pleased to see Dr. Terry promoted to this high position because he has truly earned this honor by devoting many years to public health work, having served the Alabama State Board of Health, the United States Public Health Service, and the medical corps of the Coast Guard, and during all this time devoted many hours, over and beyond the call of the duties of his numerous offices, to the study of public health problems and to medical research, particularly in the fields of pneumonia, cardiovascular diseases and cancer, all of which have qualified him admirably for this position.

BE IT FURTHER RESOLVED, that the Legislature of Alabama rejoices that, as Surgeon General, Dr. Terry had the

pleasure of announcing that a cure for at least one type of cancer has recently been developed; and though Dr. Terry accorded the credit for this great boon to the world to his predecessors in office and his co-workers, the Legislature of Alabama is cognizant of the tremendous contribution made to the particular project which developed this cure by Dr. Terry himself; therefore, the Legislature commends the Department of Health, Education and Welfare for the excellence of its research program in this field and extends special felicitations to Dr. Terry upon the success of a project that he had so vigorously promoted and nurtured.

BE IT FURTHER RESOLVED, That we extend to Dr. Terry a cordial invitation to address a joint session of the two houses on a day convenient to him, and request the Speaker and President of the Senate to name a joint committee on arrangements.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives transmit a copy of the Resolution to Dr. Luther L. Terry, 105 South Van Buren Street, Rockwell, Maryland, and a copy thereof to the Secretary of Health, Education and Welfare, at the Health, Education and Welfare Building, Fourth Street and Independence Avenue, S. W., Washington, D. C.

Approved June 16, 1961
Time: 4:55 P.M.

Act No. 56

H. J. R. 47—Johnston (Leonard), Speaks, Cabiness, Gross, Ferguson, Long (Perry), Johnson (Hardaway), Cates, Ramey, Avery, Martin, Meade, Lee, Thomas, Long (Lauderdale), Locke, Dunn, Oakley, Glass, Daniel, Grant, Britton, McCorquodale, Jones (Fletcher), McLendon (Bullock), Camp, Broadfoot, Bishop, Hankins, Branyon.

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we express our grateful appreciation and warm thanks to our amiable and solicitous hosts on the tour of Baldwin County, June 14-15; and we enthusiastically commend our colleague Louie Brannan, the Baldwin County Chamber of Commerce, and the mayors of the fine municipalities of Bay Minette, Summerdale, Daphne, Foley,

Fairhope, Robertsedale, Elberta, Silver Hill, Loxley and Gulf Shores, for their efforts in making the tour so pleasant, relaxing, delightful and enjoyable.

RESOLVED FURTHER, That the Clerk be directed to send copies of this resolution to the mayors of the municipalities herein named, to the city or town council or commission of such municipalities, and to the Baldwin County Chamber of Commerce.

Approved June 30, 1961
Time: 1:15 P.M.

Act No. 57

H. J. R. 48—Glass.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That pursuant to S.J.R. 18, which has been adopted by the House and Senate, the joint session be held at 10:30 A.M., Friday, June 23, 1961, to hear the address of Dr. Paul H. Hoch.

Approved June 30, 1961
Time: 1:16 P.M.

Act No. 58

H. 37—Thomas, Lee, Solomon, Faulk, Glass, Chambers, Cornett, Bassett, Taylor, McLendon (Bullock), Adams, Cook, Smith (Russell), Powell, Boyd, Owens, Torbert, Steagall, Turnham, Salter.

AN ACT

To make an additional appropriation to the use of the Geological Survey of Alabama for the purpose of completing a survey for iron ore and other minerals.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of sixty-eight thousand six hundred dollars (\$68,600), or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the Geological Survey of Alabama for the purpose of completing the geological survey for iron ore and other minerals presently being conducted by such department. The appropriation herein made shall be in addition to all other appropriations heretofore or hereafter made to the use of the State Geologist or the Geological Survey of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1961
Time: 1:17 P.M.

Act No. 59

H. 38—Thomas, Lee

AN ACT

To make an appropriation to the City of Eufaula for reimbursement of funds spent by the City in aid of the Geological Survey of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$2,500 is hereby appropriated from any funds in the state treasury not otherwise appropriated, to reimburse the City of Eufaula for expenses incurred or paid out for mapping iron ore deposits in Barbour, Pike, Crenshaw and Butler Counties in aid of a project of the Geological Survey of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1961
Time: 1:18 P.M.

Act No. 60

H. 186—Goodwyn, Self, Sullivan, Branyon, Copeland, Hanby, Shumate, Beville, Broadfoot, Hankins, Bishop, Merrill, Meade.

AN ACT

To provide appropriations of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands and erecting thereon a building or buildings for the use of the Division of Employment Security of the Alabama Department of Industrial Relations and for such improvements, facilities, paving, landscaping and fixed equipment as may be required for its proper use and for operation by the said Division of Employment Security.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Industrial Relations out of the monies credited to this State's

account in the Unemployment Trust Fund, by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, the sum of \$1,389,404.22 or so much thereof as may be necessary, to be used, under the direction of the Director of Industrial Relations, for the purpose of acquiring land or lands and erecting thereon a building or buildings for the use of the Division of Employment Security of the Department of Industrial Relations, and for such improvements, facilities, paving, landscaping and fixed equipment as may be required for its proper use and for operation by the said Division of Employment Security.

Section 2. No part of the money hereby appropriated may be expended after the expiration of the 2-year period beginning on the date of enactment of this Act. Money requisitioned pursuant to this Act shall, until expended, remain a part of the Unemployment Trust Fund. Any unexpended balance shall revert to this State's account in the Unemployment Trust Fund at the close of such 2-year period, or at such earlier date as is practicable.

Section 3. The amount expended pursuant to this Act during any 12-month period beginning on a July 1st and ending on the next June 30th, shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such 12-month period and the four preceding 12-month periods exceeds (b) the aggregate of the amounts expended for administration and paid out for benefits and charged against the amounts credited to the account of this State during such five 12-month periods. In determining the amount in the Alabama Unemployment Trust Fund for the purposes of Section 204 G, (3) and (4) of Title 26 of the 1940 Code, as amended, any money withdrawn from the Trust Fund, for the purposes of this Act, and not repaid, will be considered as remaining in and being a part of the Trust Fund.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved June 30, 1961
Time: 1:19 P.M.

Act No. 61

H. 249—Shumate, Beville

AN ACT

To provide an inferior court for precinct one, Walker County, as authorized by Article 6, Section 168, of the Constitution, with county-wide territorial jurisdiction of certain criminal cases cognizable by the

county court; abolishing the existing in lieu court created by an act approved August 13, 1957 (Act No. 238, H. 673, Acts of Alabama 1957, vol. I, p. 297); repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established in Walker County an inferior court for precinct one, a precinct lying within or partly within the City of Jasper, an incorporated city having more than 1,500 inhabitants, in lieu of all justices of the peace therein. The court shall be designated and known as the Inferior Court of Walker County, and shall have jurisdiction as provided in Section 2.

Section 2. The court shall have and exercise jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment; also, it shall have jurisdiction of bastardy proceedings, unlawful detainer, and all matters of a civil or criminal nature of which justices of the peace have jurisdiction, all according to the general laws of Alabama. In addition, the court shall have county-wide jurisdiction, concurrently with the county court, of these offenses: public drunkenness, affrays, assault and battery, using abusive, insulting or obscene language, being upon or along a public road while under the influence of intoxicating liquor or narcotic drugs, violations of motor vehicle and traffic laws as prescribed by Title 36, Code of Alabama 1940, as amended or supplemented, and petit larceny.

Section 3. The court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all the duties, now or hereafter conferred by law on justices of the peace. The judge may take affidavits and issue warrants in all cases triable by justices of the peace, and may issue warrants returnable to other courts in Walker County having final jurisdiction of the offenses charged. The court shall have the same preliminary jurisdiction in felony cases as a justice of the peace, and may issue search warrants.

Section 4. The judge of the court shall have the authority and power necessary for the maintenance and exercise of the jurisdiction herein granted and vested in the inferior court, and may appoint in writing a special judge with full power to act in his absence or in the event of his disqualification to act.

Section 5. A judge for the Inferior Court of Walker County shall be elected at the general election in November 1964, and every four years thereafter, by the qualified electors of precinct one, Walker County, to hold office from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The office shall be considered a county office within the meaning of the election

laws and other state laws. The judge shall have been a resident citizen of Walker County for two years and of precinct one for one year next preceding his election. Before performing any of the duties of his office, the judge shall take the oath of office prescribed by the Constitution and laws of Alabama for justices of the peace, and shall enter into bond, with surety, in the sum of two thousand dollars, to be approved by the judge of probate of Walker County. The oath and bond shall be filed and recorded in the office of the judge of probate. The judge may be removed only by impeachment in the manner and for the causes prescribed by law for the removal of judges of inferior courts. Any vacancy in the office shall be filled by appointment by the governor for the unexpired term.

Section 6. It is unlawful for the judge of the court to practice law or be connected in the practice of law with any lawyer or law firm. The judge shall devote full time to the duties of his office, and shall have his office in the county courthouse, which shall be provided by the Board of Finance and Control of Walker County, or other like county governing body. The judge shall be entitled to receive as his entire compensation for the performance of his duties a salary of 4,800 dollars a year, which shall be paid as a preferred claim from the general fund of Walker County in equal monthly installments.

Section 7. The court shall be open at all times for the transaction of business, but regular terms shall be held each week on a day certain, as designated in the orders of the court. Special Sessions may be held when ordered by the court. Both regular and special sessions may be continued from day to day until the business of the court is disposed of. All sessions of the court shall be held in a suitable place in the county courthouse, which shall be provided by the governing body of Walker County. And the county governing body shall also provide the court and the judge thereof with blank forms, books, stationery, and all supplies and materials reasonably necessary for operation and maintenance of the court and the transaction of court business.

Section 8. The rules of practice and procedure applicable to justice of the peace courts shall apply in the Inferior Court of Walker County, except that civil actions shall be commenced only upon written complaint setting forth the cause of action, as in the circuit court.

Section 9. The costs collectible by the court in civil cases shall be the costs provided for justices of the peace in the Code of Alabama 1940, Title 11, Section 38, as heretofore or hereafter amended. The fees in criminal cases shall be as follows:

For taking complaint\$.50

For issuing search warrant	1.00
For issuing warrant of arrest	.50
For issuing warrant in bastardy proceedings	1.00
For each bond or undertaking of accused	1.00
For issuing each subpoena or notice	.50
For order of commitment to jail	.25
For trial or preliminary hearing	2.00
For docketing case	.50
For approving each bond	.50

For other services, the same fees as provided justices of the peace for like services in Code of Alabama 1940, Title 11, Section 96, as heretofore or hereafter amended. These fees shall be taxed and collected in the manner prescribed by Section 97 of Title 11, Code of Alabama 1940.

Section 10. The constable of precinct one, Walker County, and the sheriff of Walker County shall be officers of the court and shall execute and return the processes of the court, for which services they shall receive the compensation provided by law for like services in justice courts.

Section 11. The circuit solicitor for the judicial circuit embracing Walker County may appear for and represent the State of Alabama in any case pending in the court in which the State is interested.

Section 12. After conviction in the Inferior Court of Walker County, the defendant shall have the right of appeal to the circuit court of Walker County. He shall be discharged from custody pending the appeal upon his entering into bond with sufficient surety to appear at the term of the court to which the appeal is taken, and from term to term until discharged. The appeal bond shall be in such penalty as the court may prescribe, and must be approved by the judge. No appeal shall be taken after the defendant has accepted the judgment of the court by paying any fine imposed upon him, nor more than 30 days after the rendition of the judgment of conviction. If the defendant fails to give the bond required, he shall remain in custody pending his appeal. The case shall be tried without a jury on appeal unless written demand for a trial by jury is filed in the circuit court within 10 days from date the appeal is taken.

Appeals in civil cases may be taken in the manner prescribed by law for taking appeals in like cases in justice courts.

Section 13. The Court of Common Pleas of Walker County established by Act No. 238, H. 673, approved August 13, 1957 (Acts of Alabama 1957, vol. I, p. 297) is hereby abolished. Transfer of jurisdiction from the abolished court to the Inferior Court of Walker County shall be accomplished in the manner prescribed in Code of Alabama 1940, Title 7, Section 393.

Section 14. The Honorable Porter White, incumbent judge of the Court of Common Pleas of Walker County as established by the act approved August 13, 1957, shall serve as judge of the Inferior Court of Walker County until the expiration of the term for which he was elected, and until his successor is elected and qualified as herein provided. He shall qualify by taking the oath and giving bond as provided in Section 5.

Section 15. Act No. 172, H. 633, approved March 29, 1911 (Local Acts 1911, pp. 176-179), Act No. 238, H. 673, approved August 13, 1957 (Acts 1957, vol. I, pp. 297-300), and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved June 30, 1961
Time: 1:20 P.M.

Act No. 62

H. 363—McLendon (Bullock), Adams,
Boyd, Nettles.

AN ACT

To provide for withdrawals from the Unemployment Compensation Trust Fund and to direct repayment of monies to the Treasurer of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Director of Industrial Relations is hereby authorized and directed to requisition from this State's account in the unemployment trust fund and to pay into the Treasury of the United States on or before November 9, 1963, an amount which is equal to the total payments of temporary unemployment compensation made pursuant to section 101 of the Temporary Unemployment Compensation Act of 1958, as amended, to individuals who exhausted their rights to benefits under the Alabama Unemployment Compensation Law.

Section 2. There is hereby appropriated, pursuant to the provisions of section 199 of the Alabama Unemployment Compensation Law, out of funds made available to this State under section 903 of the Social Security Act, as amended, the sum of \$221,141.00 or so much thereof as may be necessary, to be used by the State Director of Industrial Relations for the purpose of restoring to the Treasury of the United States the amount of costs incurred in the administration of the Temporary Unemployment Compensation Act of 1958, as amended, with respect to this State. This amount shall be paid after the date of enactment of this act but in no event later than November 9, 1963. The amount obligated pursuant to this section during any 12-month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to section 903 of the Social Security Act during such 12-month period and the four preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such five 12-month periods.

Section 3 (a). There is hereby created in the State Treasury a separate fund to be known as the temporary employment security administration fund. Notwithstanding any contrary provisions of the Alabama Unemployment Compensation Law—

(1) Interest and penalties collected pursuant to sections 238, 239 and 240 of such law after June 30, 1961, shall be deposited in the clearing account in the unemployment compensation fund for clearance only and shall not, except as provided in subsection (c) of this section, be deemed a part of the unemployment compensation fund.

(2) Thereafter, at the end of each calendar quarter all interest and penalties collected from employers pursuant to sections 238, 239 and 240 of such law during such quarter shall be transferred to the temporary employment security administration fund.

(3) Refunds of interest and penalties transferred to the temporary employment security administration fund shall be made from such fund or, after such fund is discontinued as hereinafter provided, from the balance transferred from such fund to the clearing account in the unemployment compensation fund.

(b) The State Director of Industrial Relations is hereby authorized and directed to requisition from the temporary employment security administration fund an amount equal to this State's proportionate share of costs incurred in the administration of the Temporary Unemployment Compensation Act of

1958, as amended, other than those incurred with respect to this State, whenever such amount has been determined by the Secretary of Labor and on or before November 9, 1963, to pay such amount into the Treasury of the United States of America.

(c) When such payment has been made and the balance in such fund exceeds \$1,000.00, the entire amount of such balance shall be transferred to a special account in the clearing account in the unemployment compensation fund, the temporary employment security administration fund shall be discontinued, and all interest and penalties subsequently collected from employers shall be paid into the unemployment compensation fund as provided in the Alabama Unemployment Compensation Law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 30, 1961

Time: 1:21 P.M.

Act No. 63

H. 434—Dodd

AN ACT

To fix the compensation of the county superintendents of education in all counties having populations of not less than 22,550 nor more than 24,550, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 22,550 nor more than 24,550, according to the 1960 or any subsequent federal decennial census, the county superintendent of education shall be entitled to an annual salary of \$7,500, payable in equal monthly installments from the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall be effective after July 1, 1961.

Approved June 30, 1961

Time: 1:22 P.M.

Act No. 64

S. J. R. 22—Robison, Berryman, Graham, Webb, Kendall, Caffey, Jones, Rutledge, Givhan, Turner, deGraffenried, Haltom, An-

draws, Samford, Eddins, Archer, and Hines.

SENATE JOINT RESOLUTION

WHEREAS Amendments IX and X of the Constitution of the United States, proposed by the Congress and ratified by the legislature of the several states, pursuant to Article V of the Constitution, read:

"Amendment IX

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

"Amendment X

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

and

WHEREAS in recent times there has been an apparent inclination on the part of the several branches of our Federal government to treat lightly the fact that our national government is one of limited and delegated authority, and that such agencies seem disposed to by-pass the importance of the provisions of the said ninth and tenth amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of Alabama, the House of Representatives concurring:

1. That the legislature of Alabama memorialize the legislatures of the respective states of the United States by sending a copy of this resolution to the Secretary of the Senate of the respective states and Clerk of the House of each state, urging the legislatures of the states to take whatever steps they deem appropriate or expedient to recover the powers reserved to the states respectively or to the people and to secure strict adherence to the ninth and tenth amendments to the Constitution of the United States.

2. That a copy of this resolution be sent to each Congressman from Alabama and Alabama's two United States Senators.

3. That the Secretary of the Senate of Alabama be instructed to carry out the provisions of paragraphs 1 and 2 above.

Approved June 30, 1961
Time: 1:23 P.M.

Act No. 65

S. 102—Kendall, Robison, Moses, deGraf-fenried, Rutledge, Archer, Clark, Cooper, and Graham.

AN ACT

To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$100,000, or so much thereof as may be necessary, for the purpose of air conditioning the Department of Archives and History Building.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to be used only for the purpose of the purchase and installation of a complete air conditioning system in the Department of Archives and History Building in Montgomery, Alabama.

Section 2. The above appropriation shall be allotted by the State Budget Officer on the approval of the Director of Finance, and the State Building Commission shall approve all plans and specifications for the purchase and installation of the said air conditioning system. The State Comptroller shall issue his warrants not in excess of the \$100,000 herein appropriated in payment for the work done, from time to time, upon approval of the Director of the Technical Staff of the State Building Commission. Installation of the air conditioning system shall be contracted pursuant to the provisions of Title 50, Code of Alabama 1940, as amended .

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 30, 1961

Time: 1:25 P.M.

 Act No. 66

S. 114—Cooper.

AN ACT

To repeal Act No. 495, S. 542, approved August 30, 1949 (Acts of Alabama 1949, p. 719) authorizing the board of education of any county having a population of not less than 23,000 nor more than 25,000 inhabitants to impose additional duties on the county superintendent of education and increase his salary to compensate him for performance of the additional duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 495, S. 542, approved August 30, 1949 (Acts of Alabama 1949, p. 719) authorizing the board of edu-

cation of any county having a population of not less than 23,000 nor more than 25,000 inhabitants to impose additional duties on the county superintendent of education, and to increase his salary to compensate him for performance of the additional duties, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved June 30, 1961
Time: 1:26 P.M.

Act No. 67

S. 120—Turner.

AN ACT

To authorize the dissolution of any hospital association organized under the provisions of Act No. 211 enacted at the 1945 Regular Session of the Legislature of Alabama if at the time it owns no property, has no outstanding indebtedness and is not the then designated agency of a county to acquire, construct, equip, operate and maintain public hospital facilities; and to specify the manner in which such dissolution is to be effected.

Be It Enacted by the Legislature of Alabama:

Section 1. Any hospital association organized under the provisions of Act No. 211 enacted at the 1945 Regular Session of the Legislature of Alabama may be dissolved, in the manner hereinafter prescribed in this act, if at the time of such dissolution it owns no property and has no indebtedness outstanding and if it is not at the time designated as the agency of a county to acquire, construct, equip, operate and maintain public hospital facilities. Such dissolution shall be effected by the filing in the office of the Secretary of State of a certificate of dissolution signed by all the then living directors of such hospital association.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 30, 1961
Time: 1:28 P.M.

Act No. 68

S. 121—Turner

AN ACT

To amend Section 12 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama to provide that neither the formation, organization or existence in any particular county of a hospital association under the provisions of Act No. 211 enacted at the 1945 Regular Session of the Legislature of Alabama shall prevent the or-

ganization in such county of a hospital board under the provisions of said Act No. 46 if such hospital association is not the then designated agency of such county to acquire, construct, equip, operate and maintain public hospital facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

"Section 12. Provisions Cumulative. This act shall not be construed as a restriction or limitation upon any power, right or remedy which any corporation now in existence or hereafter formed may have in the absence thereof, and shall be construed as cumulative and independent of any statute authorizing the formation of corporations or conferring on any corporation any power, right or remedy. Neither the formation, organization or existence in any particular county of a hospital association under the provisions of Act No. 211 enacted at the 1945 Regular Session of the Legislature of Alabama shall in any way prevent or preclude the organization in such county of a corporation under the provisions of this act if, at the time of the organization of such a corporation under this act, such hospital association is not the then designated agency of such county to acquire, construct, equip, operate and maintain public hospital facilities."

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 30, 1961
Time: 1:30 P.M.

Act No. 69

H. J. R. 42—Steagall, Grouby, Adams,
Rozelle, Rogers.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to the distinguished and beloved member from Geneva deepest sympathy on the death of his esteemed brother, Pratt Faulk, of Samson, whose passing on Wednesday, June 7, last, is widely mourned.

Approved June 30, 1961
Time: 1:31 P.M.

Act No. 70

H. J. R. 43—Gordon.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama learns with deep regret of the recent death of a former member of the House of Representatives, Dr. Joseph Schoolfield Wittmeier, who for more than a half century has been an outstanding leader in Christian, civic, and political affairs in Blount County and throughout the State, and who was for many years a practicing physician in Blount County and later that county's health officer, its representative in the Legislature, and its judge of probate.

BE IT FURTHER RESOLVED, in recognition of the many benefits that have redounded to the State and to the community in which he lived from this true Christian's life and his many activities for the betterment of his community, his county, and his fellowman, the Legislature joins Dr. Wittmeier's host of friends in mourning his death; and extends sincere sympathy to his widow, his sons and his daughter.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to his widow, Mrs. Mamie Wittmeier, Oneonta, Alabama.

Approved June 30, 1961

Time: 1:32 P.M.

Act No. 71

H. J. R. 50—Callahan, Self, Bishop, Ray,
Ramey, Hawkins, Avery,
Harvey, Ferguson, Bevill,
Pruitt, Smith (Russell),
Turnham, Turner.

HOUSE JOINT RESOLUTION

WHEREAS, Senator Aubrey D. Green, was elected to the office of Second International Vice President of Lions International at their 44th annual convention, at Atlantic City, New Jersey on the 22 day of June, 1961; and WHEREAS:

Senator Green has just ended his term as Third International Vice President and has traveled more than 100,000 miles doing good to his fellow man and bringing honor and good will to Alabama and the Nation; and is well on his way toward becoming International President of this worth while organization.

NOW THEREFORE BE IT RESOLVED, by the House of Representatives, the Senate Concurring: that we wish him every success in his new position with Lions International, and

congratulate him most heartily, and we approve of the good work that he has done and is doing;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded by the Clerk of the House to Lions International Headquarters.

Approved June 30, 1961

Time: 1:33 P.M.

Act No. 72

H. J. R. 52—Murphy

HOUSE JOINT RESOLUTION

WHEREAS, The Honorable William V. McDermott, on February 24, 1961, having faithfully served on earth the purpose of his creation, was taken by God to share in the reward of the just, and

WHEREAS, during his life he had devoted his energies to the unselfish service of his fellow man, and

WHEREAS, The Honorable William V. McDermott gave unstintingly of his time and efforts to the people of his community in his services as a member of the Board of Revenue and Road Commissioners of Mobile County and, in later years, as Attorney for that Board, and

WHEREAS, during the crucial years of World War II he unhesitatingly volunteered to serve his country in its time of crisis and rose to the rank of Major after four years of service with the United States Army, and

WHEREAS, The Honorable William V. McDermott served with honor and distinction as a member of the House of Representatives of the State of Alabama during the years 1935 to 1939, and

WHEREAS, at the time of his death, he was commencing his fifth year of service as a Judge of the Thirteenth Judicial Circuit, a position he had filled with impartiality, fairness, and soundness of judgment, and

WHEREAS, The Honorable William V. McDermott was held in the highest esteem by the people of this State who knew him as a man of unimpeachable character and high moral standards, and

WHEREAS, the quality of his person was openly evidenced by the unashamed mourning at his passing of men of great stature in all walks of life from the lowly to the renowned, and

WHEREAS, his passing is deeply mourned by the members of the Legislature, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep regret at the passing of the Honorable William V. McDermott and extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, that a page in the Journal of this House be dedicated to his memory in grateful appreciation of his services to his State and to his fellow man.

Approved June 30, 1961
Time: 1:34 P.M.

Act No. 73

H. J. R. 44—Goodwyn.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING: That when the two Houses adjourn on Tuesday, June 27, they will adjourn to meet again on Tuesday, July 11.

Approved June 30, 1961
Time: 1:30 P.M.

Act No. 74

H. 85—Harris

AN ACT

To provide compensation for the tax collector of DeKalb County on a salary basis and provide for the administration and operation of his office on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of DeKalb County shall be entitled to an annual salary of six thousand dollars, payable from the general fund of the county in equal monthly installments. The salary shall be in lieu of all fees, commissions, percentages, and allowances or other charges collectible for the use of the tax collector under the general law, which shall hereafter be collected and paid into the general fund of the county.

Section 2. The court of county commissioners, board of revenue, or other like governing body of DeKalb County shall provide the tax collector with clerical assistants, offices, furniture, furnishings, books, stationery, office supplies and equipment, postage, and other such conveniences as may be necessary

for the proper and efficient conduct of his office. The tax collector shall have the authority to appoint his clerical assistants as authorized for his office, and such assistants shall serve at his pleasure.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act supersedes the provisions of Act No. 439, H. 1001, approved September 6, 1957, which are in conflict or inconsistent.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 11, 1961
Time: 4:00 P.M.

Act No. 75

H. J. R. 55—Johnson (Tom), Vickers

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING: That the Legislature laments the death on last November 18 of Cecil G. Duffee, a former member of the House of Representatives, and, at the same time, hereby recognizes with grateful appreciation the numerous benefits that have inured to Alabama from the life of this truly outstanding citizen, who for many years was an active leader in civic, religious, and philanthropic affairs of the communities in which he lived and in the industrial development of the state.

BE IT FURTHER RESOLVED, that the Legislature is particularly grateful for contributions made by Mr. Duffee to the forest products industry in this state, for he was instrumental in establishing the school of forestry at Auburn University and the Alabama Forest Products Association; and by his wise leadership and counsel to this organization he was a potent force in establishing that industry in an economic position in the state commensurate with its size and importance.

BE IT FURTHER RESOLVED, that the Legislature hereby extends sincere sympathy to the surviving members of Mr. Duffee's family.

The Clerk of the House of Representatives is hereby directed to send a copy of this resolution to the widow, Mrs. Cecil

G. Duffee, a copy thereof to Mrs. Lillian Duffee Adair, and a copy to Mr. Cecil G. Duffee, Jr., all of whom reside in Dadeville, Alabama.

Approved July 14, 1961
Time: 2:05 P.M.

Act No. 76

H. J. R. 56—Jones (Covington)

HOUSE JOINT RESOLUTION

WHEREAS, by the adoption of H.J.R. 39, both the House and Senate of the Legislature of Alabama issued an invitation to Dr. Luther L. Terry, Surgeon General of the United States, to address a joint session of the two Houses on a day convenient to him; and

WHEREAS, Dr. Terry has indicated that Tuesday, July 18, 1961, would be a convenient time for him to accept the invitation issued by the Alabama Legislature; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a joint session of the two Houses be held at 11 A.M., on Tuesday, July 18, 1961, for the purpose of hearing the address by Dr. Terry.

Approved July 14, 1961
Time: 2:10 P.M.

Act No. 77

H. J. R. 58—Merrill, Albea.

HOUSE JOINT RESOLUTION

WHEREAS Julian Wilson Stephenson ably and unselfishly served Jacksonville State College for more than 30 years—longer than any previous faculty member—before his retirement in 1954; and since his retirement he has contributed generously toward scholarships at the institution; and

WHEREAS Mr. Stephenson's main interest was in the field of physical education, the subject he taught at the institution where he also coached football, basketball and baseball; now therefore, to honor this highly esteemed educator, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the gymnasium at Jacksonville State College shall be named "Julian Stephenson Gymnasium," and that such name shall be appropriately inscribed on or affixed to the building in such manner as the governing authorities of the institution may direct.

Approved July 14, 1961
Time: 2:00 P.M.

Act No. 78

H. J. R. 59—Smith (Russell), Lee, Jones
(Monroe), Cornett, Boyd

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that House Joint Resolution 110 of the 1951 Regular Session of the Legislature of Alabama be amended to read as follows:

1. The Alabama "Hall of Fame" Board shall be composed of nine members to hold office during good behavior. Vacancies occurring on the Board shall be filled by the remaining members of the Board. One member shall live in each Congressional District. If necessary to complete the full complement of nine members one or more of such members shall be selected from the State at Large. The members constituting the Board on the date of this Act shall continue to serve during good behavior.

2. The Board shall consider for election to the Alabama Hall of Fame worthy citizens of Alabama who have rendered outstanding services or who have won fame on account of their achievements, and it shall elect to the Hall of Fame such persons who are nominated for election and who receive a minimum of 8 votes of the total membership of the Board. "Alabama" is hereby defined to be the geographical area now comprising this State without reference to time.

3. The Board shall have authority to receive contributions, donations and gifts; and the Director of the Department of Archives and History shall cause to be set apart in the Archives and History Building a section thereof to be used by the Board for display of busts, statues, or other exhibits relating to persons who have been elected to the Alabama "Hall of Fame."

Approved July 14, 1961
Time: 2:15 P.M.

Act No. 79

H. J. R. 60—Long (Lauderdale)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we express deepest regret for the untimely death of Charles Edward Pounders, of Florence, who lost his life as the result of a tragic accident which occurred in connection with a construction project at Florence State College in December, 1960; and we extend consoling and understanding sympathy to the bereaved parents and widow for their great loss.

RESOLVED also, that the clerk is directed to send copies of this resolution to the parents of Charles Edward Pounders and to his widow.

Approved July 14, 1961
Time: 2:20 P.M.

Act No. 80

S. J. R. 26—Kendall, Godfrey, Graham, Roberts, Jones, Webb, Samford, Barnett, Wyatt, Word, Clark, Farmer, Crawford, Green, Turner, Golson, Cooper, Wilson, Robison, Andrews, Archer, Berryman, Caffey, Eddins, Porter, Gaither, Leonard, Hines, Dumas, Givhan, Haltom, Rutledge, deGraffenried, Moses and Shelton.

SENATE JOINT RESOLUTION

WHEREAS; In the annals of the State of Alabama from its beginning as a territory, there are recorded the brilliant achievements and the gallant and magnanimous deeds of its sons and daughters.

The Alabama Hall of Fame seeks to memorialize the great service in many fields of endeavor, to this State by pre-eminent men and women, all of whom belong to the past. There are represented among these Alabama immortals, great soldiers and pioneers; dedicated statesmen and public servants; famed educators and historians; industrialists of broad and clear vision; noteworthy men and women of letters, and distinguished jurists. Their deeds, some reaching back nearly two centuries, are perpetuated in our hearts, from which we today draw inspiration, hope and courage.

By this resolution, on this 14th day of July 1961, this legislative branch of the State Government resolves to pay homage to an illustrious living son of Alabama on his 80th anniversary. We honor him for his selfless devotion to this State and its people, and for his pre-eminence in many spheres of activity dedicated to the welfare and progress of this State.

Far-sighted pioneer and eminent member of the bar, he was among the first to recognize the vast potential of Alabama's rivers. Author of the first laws of the State for the development of its streams for hydro-electric power, he sought to safeguard the interest of the people and to advance the progress of

the State. On that foundation he later built the Alabama Power Company that has contributed so notably to the development of our State and to the well-being of its people.

For this and other outstanding achievements, the Edison Electric Institute by an unprecedented action at its 1959 annual meeting named him "Dean of the Electric Power Industry, a pioneer of electrical development in the South, and a man of vision, ability, determination and inspiring courage, who overcame great financial, commercial, and engineering obstacles to build a utility system that from its inception has made and continues to make great contributions to the sound industrial, farming, and commercial development of his native state of Alabama."

Few men, through the long history of Alabama, have rendered so many varied benefactions to their contemporaries. Many of the State's respected and esteemed organizations came into being because of his vision and driving force—Alabama Newcomen Society, Alabama State Chamber of Commerce, Birmingham's famed Committee of 100 which has served as a prototype for other similar groups in Alabama and elsewhere, and the Gorgas Scholarship Foundation which was organized to help provide financial help to students showing promise in scientific fields.

He has been the recipient of honorary degrees from Auburn University, University of Alabama, Birmingham-Southern College, St. Bernard College, Spring Hill College, and Cumberland University.

His civic and business accomplishments have been recognized in the City of Birmingham by his being named "Man of the Year," in *Dixie Business* as "Man of the South," in *Forbes Magazine* as one of "America's Fifty Foremost Business Leaders," and in the National Management Association as its "Management Man of the Year." His statement "The last half of the 20th century belongs to the South" has become the rallying slogan for the resurgence of the New South.

Chronicler and historian, his research established the direct effect of Jackson's victory at Horseshoe Bend upon the Treaty of Ghent, which saved the vast area of the Middle West from again becoming an English Colony. The Congress of the United States has now recognized the importance of Jackson's victory by making Horseshoe Bend a national shrine.

Narrator of the "French Military Adventurers in Alabama," the French Government signaled his achievement by awarding him that country's highest recognition to men of letters, arts, and science, Officier d' Academie, France, and the Palmes Academiques. He is also a member of The Royal Society of Arts of

London, England which has for its purpose the encouragement of arts, manufactures, and commerce and was founded in 1754.

Founder of Southern Research Institute, he brought to the South the first concerted effort through science to strengthen its power, broaden its frontiers, enlarge its sphere of work, and to conserve the talents of its sons and daughters in the field of science.

Builder of the State's industries and champion of freedom of opportunity, he has labored without end to advance the good of our people.

Staunch upholder, through the long years, of all that is high and worthy in the religious, communal and economic life of our citizenship, he is living proof that unerring judgment, which is prompted by the heart, is infallibly a mark of greatness.

WHEREAS, the Legislature of the State of Alabama has as its purpose to do honor to and acclaim the life's work of this native son on his 80th birthday;

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare that August 13th of each year be designated as "Thomas W. Martin Day" to signalize and pay honor to his life's work so that our people may be inspired by his indomitable courage to accomplish their highest aspirations, and from which in the years to come they may garner added faith and spiritual strength.

AND BE IT FURTHER RESOLVED that Thomas W. Martin is cordially invited to address a joint session of the Senate and House of this State on Friday, August 11, 1961, at 12 o'clock noon, and that the Honorable John Patterson, Governor of Alabama, be invited to introduce him. The President of the Senate and the Speaker of the House shall name a joint committee on arrangements for the occasion.

Approved July 20, 1961

Time: 9:40 A.M.

Act No. 81

S. J. R. 27—Dumas.

SENATE JOINT RESOLUTION

WHEREAS on October 9, 1960 the University of Alabama Medical Center formally opened its magnificent new University Hospital and Hillman Clinic Psychiatric Clinic and,

WHEREAS this important facility was made possible by the financial generosity, vision and devotion to public service of Mr. and Mrs. Joseph Smolian of Birmingham, and,

WHEREAS the Board of Trustees of the University of Alabama has unanimously requested authority to dedicate and name this building as an appropriate recognition of the contribution made by Mr. and Mrs. Smolian to Alabama's medical resources,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Board of Trustees is authorized to designate and name said Psychiatric Clinic as the Joseph and Bertha Smolian Psychiatric Clinic.

Approved July 20, 1961
Time: 9:45 A.M.

Act No. 82

S. J. R. 28—Dumas.

SENATE JOINT RESOLUTION

WHEREAS, there is a need for a direct Federal Highway connection to the Midwest through Memphis, Springfield and Kansas City, and

WHEREAS, such a route would be of substantial benefit to the economic development of the State of Alabama and the Southeast;

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES concurring, that the following general route is hereby recommended as an addition to the National System of Interstate and Defense Highways:

From Kansas City, Kansas, through Springfield, Missouri, Memphis, Tennessee, Birmingham, Alabama, and Columbus, Georgia, to Valdosta, Georgia.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be Transmitted to:

Alabama Senators and Congressmen

The Director of the State Highway Department

The Federal Bureau of Public Roads.

Approved July 20, 1961
Time: 9:50 A.M.

Act No. 83

S. J. R. 29—Crawford and Kendall.

SENATE JOINT RESOLUTION

WHEREAS it has come to the attention of the members

of the Standing Committees on Agriculture of the respective Houses of the Legislature of Alabama that opportunity exists for a great expansion of the volume of cotton exported from the southeast, and

WHEREAS such expansion can be accomplished by administrative adjustment of the export subsidy to give all sections of the Cotton Belt competitive equality in the export of cotton, and

WHEREAS the increased volume would create another market for southeastern cotton and afford the small cotton farmer of this area an opportunity to have access to the same markets open to the great corporate producers of other sections of the Cotton Belt:

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING That Honorable Orville Freeman, Secretary of Agriculture of the United States, be memorialized to institute the necessary administrative steps to bring about the aforementioned competitive equality of all sections of the Cotton Belt in the export of cotton.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Honorable R. C. Bamberg, Alabama State Commissioner of Agriculture; to Honorable Horace Godfrey, Director of the Commodity Stabilization Service; to Honorable Joe Moss, Director of the Cotton Division of the Commodity Stabilization Service; and to all the members of the Alabama Congressional Delegation.

Approved July 25, 1961
Time: 9:17 A.M.

Act No. 84

S. J. R. 30—deGraffenried

SENATE JOINT RESOLUTION

WHEREAS, by amendment passed in 1957, the Alabama G I and Dependents Education Benefit Act, Title 60, Section 32 (Sub 3), was amended to provide, among other things, that "training under this section must be initiated within 2 years after high school graduation...",

AND WHEREAS the Department of Veterans Affairs of the State of Alabama, by administrative interpretation has, since the amendment of said section, construed graduation or completion of high school to be a prerequisite for eligibility to receive benefits under said act, and whereas graduation from high school is not an entrance requirement to Alabama State Vocational Trade Schools,

NOW THEREFORE, be it resolved that it was not the intention of the Legislature of the State of Alabama that amendment of the Alabama G I and Dependents Education Act in 1957 should require graduation from high school as a prerequisite to receive benefits under said act.

BE IT FURTHER RESOLVED that a copy of this resolution be sent by the Secretary of Senate to the Department of Veterans Affairs of the State of Alabama.

Approved July 25, 1961

Time: 9:30 A.M.

Act No. 85

H. 246—Pruitt, Brannan, Pierce, Thomas,
Turnham, Nettles.

AN ACT

To amend Section 3 of Act No. 351, General Acts of 1947, page 231, approved August 14, 1947, same being an act "To provide for auditing periodically the books, accounts, vouchers, and records of public officers, agencies, and institutions: creating a Department of Examiners of Public Accounts and a supervisory Legislative Committee on Public Accounts; abolishing the Division of Examiners of Public Accounts of the Department of Finance and transferring its functions, funds, books, records, furniture, fixtures, supplies, equipment, and personnel; and prescribing penalties for violations of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 351, General Acts of 1947, approved August 14, 1947, be amended so as to read as follows:

"Sec. 3. Chief Examiner. (a) The affairs of the department shall be administered by a Chief Examiner, whose actions shall be supervised and controlled by a Legislative Committee on Public Accounts, the creation of which is provided for herein. The Chief Examiner shall be selected and appointed by the Legislative Committee on Public Accounts to serve for a term of seven years, and until his successor is appointed and qualified. The first of such terms shall commence on October 1, 1947 and such officer shall be eligible for re-appointment to such office for such subsequent term of like duration as shall be deemed appropriate by the Legislative Committee on Public Accounts. Vacancies in the office of Chief Examiner arising from any cause shall be filled by the Legislative Committee on Public Accounts, the person so appointed to hold office for the unexpired term of his predecessor. Every appointment of the Chief Examiner shall be subject to confirmation by the Senate at the first regular or special session of the Legislature held thereafter, however, this shall not affect the right or authority

of the Chief Examiner to act pending senatorial confirmation or rejection. (b) The Chief Examiner may be removed from office through impeachment proceedings instituted before the Supreme Court by the Legislative Committee on Public Accounts, the Governor, or by charges preferred by not less than fifteen members of the Legislature for any of the causes enumerated in Section 173 of the Constitution of Alabama 1901, such proceedings to be conducted in accordance with the provisions of those statutes found in Title 41, Sections 182-186, Code of Alabama 1940."

Section 2. That all laws, local, special, or general in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 25, 1961
Time: 10:00 A.M.

Act No. 86

H. J. R. 65—Glass, Ashworth, Thomas, Smith (Russell), Bassett, Britton, Boyd, Pierce, Bailey, Brooks, Taylor, Brannan, Nettles, Cornett, McCorquodale, Engel, Phillips, Oakley, Dunn, Owens, Salter, Rozelle, Goldthwaite, Hain, Jenkins, McClendon (Chambers), Johnson (Tom), Hankins, Dodd, Bishop, Morrow, Sessions, Gordon, Gross, Long (Perry), Branyon, Faulk, Daniel, Grant, Beville, Johnston (Leonard), McLendon (Bullock), Powell, Adams, Copeland, Rogers, Chambers, Franklin, Hearn, Gilmer, Jones (Covington), Hanby, Dickson.

HOUSE JOINT RESOLUTION

On Statement of Governor John Patterson
Addressed to National Governors Conference

As many editorialists have recently pointed out, every word Governor John Patterson said in his comments at the National

Governors Conference in Honolulu, about Federal encroachments upon the States in violation of the Constitution, was exactly right; and

WHEREAS the Governor of Alabama has, in an exceedingly articulate manner, in a forum worthy of his great talent, forcefully and forthrightfully illustrated the fact that there are two sides to every question, particularly the burning issues involved in federally enforced racial integration; and

WHEREAS the Governor's appearances and statements made in the course of his attendance at the aforementioned conference have served to reflect great credit upon himself and the State of Alabama, which he so ably serves; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we emphatically agree with and heartily endorse the statement made by the Governor, and warmly commend him for the excellence of his eloquent and vigorous expression of the position he has taken on the overriding issue of "State authority versus Federal almightiness."

RESOLVED FURTHER, That the Clerk be directed to send copies of this resolution to each of the Governors of the other States, to the President of the United States, and to the U. S. Attorney General.

Approved July 25, 1961
Time: 9:50 A.M.

Act No. 87

H. J. R. 68—Engel, Trimmier.

HOUSE JOINT RESOLUTION

WHEREAS, Representative John A. Murphy has sustained the loss of his Mother, Mrs. Mary Murphy, and

WHEREAS, Mrs. Mary Murphy was also the Mother of the late Representative Thomas M. Murphy, and

WHEREAS, throughout her long and useful life she was held in affection and esteem by all who knew her, and

WHEREAS, on July 15th, 1961, having faithfully served on earth the purpose of her creation, was taken by God to share in the reward of the just, and

WHEREAS, during her life she devoted her energies to the unselfish service of her family and friends, and

WHEREAS, her passing is deeply mourned by the members of her family and friends, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep regret at the passing of Mrs. Mary Murphy and extend their sincere sympathy to Representative John Murphy and the members of his family.

Approved July 25, 1961
Time: 9:35 A.M.

Act No. 88

H. J. R. 69—Bevill, Dodd, Bishop, Mc-
Lendon (Bullock), Long
(Lauderdale), Callahan,
Gilchrist, Shumate.

HOUSE JOINT RESOLUTION

WHEREAS, The Alabama Junior Chamber of Commerce is noted for its promotion of economic development of the State and the communities within the State;

WHEREAS, This organization has consistently taken a positive stand for better and more economical government of the State; and

WHEREAS, This organization has declared Tuesday, August 29 as Legislative Day and has planned to visit the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the Alabama Junior Chamber of Commerce for the role it has played in the economic development of the State, and for its active interest and support of better and more economical government. The Legislature cordially welcomes the members of this organization and hopes that their visit will be inspiring.

BE IT FURTHER RESOLVED That copies of this resolution be transmitted to Mr. Warren B. Crow, President of the Alabama Junior Chamber of Commerce and to Mr. Ed Randle, Secretary.

Approved July 25, 1961
Time: 9:40 A.M.

Act No. 89

H. J. R. 70—McCorquodale, Goodwyn, Britton, Bailey, Cabiness, Branyon, Bishop, Hankins, Broadfoot, Ramey, McClen-don (Chambers), Martin, Jenkins, Harvey, Daniel, Dodd, Rast, Chambers, Gross, Steagall, Powell, Cornett, Oakley, Copeland, Sessions, Gilmer, Hearn, Solomon, Sullivan, Phillips, Guthrie, Hawkins, Pierce, Nettles, Roberts, Callahan, Trimmier.

HOUSE JOINT RESOLUTION

WHEREAS, in the heat of debate concerning needed funds for Educational Facilities in Alabama certain statements have been made and duly reported by the press tending to reflect unfavorably on the ability of the administrative staff and the President of the University of Alabama; and

WHEREAS the University of Alabama, under the very able and dynamic leadership and direction of Dr. Frank A. Rose, the Board of Trustees and the administrative staff of this state institution have, in the opinion of this legislature, made every effort to strengthen and improve all twelve colleges and centers comprising said University insofar as funds have been available and as appropriated by this legislature; and

WHEREAS, due to the leadership and energetic drive of Dr. Rose and his administrative staff in cooperation with the Board of Trustees of the University of Alabama in formulating and carrying out the Greater University of Alabama development program 4.5 million dollars has been recently raised and is being utilized in order that the scientific program at the University of Alabama might be greatly strengthened without the necessity of additional taxation being placed on the people of Alabama; and

WHEREAS, under the guidance of Dr. Rose and policies adopted by Dr. Rose, the Board of Trustees and the administrative staff of the University of Alabama, the academic level of this state University has been and is being constantly improved and strengthened with additions to the faculty and much needed physical facilities being constructed as funds are made available; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama goes on record as reaffirming its com-

plete confidence in the leadership and ability of Dr. Frank A. Rose and the administrative staff of the University of Alabama and the Board of Trustees of the University of Alabama in furthering the program of higher education at the University of Alabama in the best interests of all the people of Alabama.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Dr. Frank A. Rose, President of the University of Alabama, and to each member of the Board of Trustees of the University of Alabama; that copies be made available to the administrative staff of the University of Alabama; and that the contents of this resolution be brought to the attention of the people of Alabama.

Approved July 25, 1961
Time: 9:45 A.M.

Act No. 90

H. J. R. 71—Pierce.

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 169, which has passed both houses be designated and known as "The Pierce, Bailey, Goldthwaite, Goodwyn and Andrews Bill."

Approved July 26, 1961
Time: 10:10 A.M.

Act No. 91

H. 70—Hain, Ingram, Owens, Vickers,
Gordon, Hankins, Self, Johnson
(Hardaway).

AN ACT

To empower the Commissioner of the State Department of Pensions and Security to authorize the destruction of certain obsolete records and cancelled checks.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. — As used in this Act, the term "Commissioner" shall mean the Commissioner of the State Department of Pensions and Security; "State Department" shall mean the State Department of Pensions and Security; "county departments" shall mean the department of pensions and security in each of the 67 counties; "county director" shall mean the director of each county department of pensions and security; and "case record material" shall mean the entire case record file pertaining to inquiries about, applicants for, or recipients of public assistance, including but not limited to, applications,

narratives, budgets, face sheets, correspondence, authorizations of assistance, change of status forms, financial and statistical record cards, and such other material or forms as have been used from time to time.

Section 2. The Commissioner, in his discretion, shall have the authority to destroy or cause to be destroyed obsolete case record material in the custody of county departments subject to the following conditions: (1) case record material concerning old age pensions shall be preserved for a period of at least five years from and after the date of the last contact with the county department by the subject of such material; (2) case record material concerning aid to the blind, aid to the permanently and totally disabled, aid to dependent children, and temporary aid shall be preserved for a period of at least ten years from and after the date of last contact with the county department by the subject of such material; and (3) all fiscal audits for the period in which the cases covered by such case record material were receiving assistance or service shall have been completed.

Section 3. The Commissioner, in his discretion, shall have the authority to destroy or cause to be destroyed all cancelled checks issued by and filed in county departments from the inception of the public welfare program in 1935 to October 1, 1951, provided that records showing the payments evidenced by such checks must be preserved in either the State Department or the county department.

Section 4. The Commissioner, in his discretion, shall have the authority to destroy or cause to be destroyed statements contained in case record files made by recipients and their relatives as required by Act No. 694 of the 1951 Legislature of Alabama, which Act was repealed by Act No. 54 of the Second Special Session of the 1955 Legislature of Alabama.

Section 5. The Commissioner, in his discretion, shall have the authority to destroy case record material concerning the distribution of surplus commodities received from the United States Department of Agriculture and related records and reports concerning the handling and distribution of such surplus commodities provided that such case record material and records and reports shall be preserved for a period of at least three years from and after the close of the state fiscal year to which they pertain.

Section 6. In effecting the destruction of records permitted by this Act, the Commissioner shall establish reasonable rules and regulations insuring that the confidentiality of records shall be preserved during the process of destruction.

Section 7. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 26, 1961

Time: 10:00 A.M.

Act No. 92

H. 169—Pierce, Bailey, Goldthwaite,
Goodywn.

AN ACT

To provide for assistance to the Supreme Court of Alabama in the preparation of questionnaires furnished boards of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. On request of the Chief Justice of the Supreme Court of Alabama, the Legislative Reference Service shall prepare for consideration and approval by the Supreme Court, at least 12 sets of questions, of such form and content as the Court may approve so that a different questionnaire may be filed by the Court with the Secretary of State, pursuant to Amendment XCI as ratified December 11, 1951, once each month for use by the several boards of registrars during the ensuing month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1961

Time: 10:05 A.M.

Act No. 93

H. 732—Britton.

AN ACT

Proposing an amendment to the Constitution relating to levying special taxes and the issuance of bonds in Washington County for public buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 1. Washington County may become indebted in

an aggregate principal amount not exceeding one million dollars in addition to the indebtedness of the county outstanding on the effective date hereof, for the sole purpose of financing the construction and equipment of a courthouse and jail and acquiring sites therefor. The county may issue and sell interest bearing general obligation bonds and pledge to the payment of the principal thereof and interest thereon the full faith and credit of the county and the proceeds of the special county tax provided for in Section 2.

"Section 2. In addition to all other taxes now or hereafter authorized by law, the court of county commissioners, board of revenue, or other like governing body of Washington County shall have the power to levy and collect, for a period not exceeding twenty years, a special ad valorem tax on property situated within said county, at a rate not exceeding four mills on each dollar of property as assessed for state taxation for the preceding year, the proceeds of said tax to be used solely for acquiring sites and constructing and equipping a courthouse and jail within said county or to pay any debt incurred for that purpose pursuant to Section 1. Before any special ad valorem tax is levied, however, the question as to whether the tax shall be levied shall be first submitted to a vote of the qualified electors of the county at an election to be called by the governing body of the county, and shall be approved by a majority of the electors who vote thereon at said election. The election shall be called, held, conducted and canvassed, and may be contested in the same manner as provided by law for calling, holding, conducting and canvassing county bond elections. Upon the expiration of any tax authorized pursuant to this amendment, no further tax shall be authorized hereunder.

"Section 3. In the event the qualified electors of Washington County do not authorize the levy of the special county tax provided for in Section 2 at any election called hereunder, then other elections may be called by the county governing body from time to time until the electors of the county do authorize and approve the levy, provided that not more than two elections shall be held in the same year. If a majority of the electors of Washington County who participate in the election as to the adoption of this constitutional amendment vote to approve the amendment, such expression of the will of the electors of Washington County shall of itself authorize the levying of the special tax provided for and the issuance of the bonds. Approval of the tax levy at any election held hereunder shall be sufficient authority for issuance of the bonds as provided in Section 1.

"Section 4. Bonds issued pursuant to this amendment and the income therefrom shall be exempt from taxation.

"Section 5. The legislature may enact appropriate legislation to implement the provisions of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 13, 1961.

Passed the Senate July 25, 1961.

Act No. 94

H. 490—Smith (St. Clair).

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

“The Legislature may, from time to time, by general or local laws, to become effective only if approved by a majority of the qualified electors of St. Clair County voting at a referendum election held not less than three months after the final adjournment of the legislative session at which such law is enacted, fix, alter, and regulate the costs and charges of courts in St. Clair County and the fees, commissions, percentages, allowances, and salary, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, register, circuit clerk, and any other officer of St. Clair County, including the right to place any of such officers on a salary and provide for the fees charged or collected by them to be paid into the treasury from which their salaries shall be paid.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 26, 1961.

Passed the Senate July 25, 1961.

Act No. 95

H. 255—Phillips.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Choctaw County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

AMENDMENT

"Section 1. The court of county commissioners, board of revenue, or other like governing body of Choctaw County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

"Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 may be levied

and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes."

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 23, 1961.

Passed the Senate July 25, 1961.

Act No. 96

H. 565—Martin.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to economic development of Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors who vote thereon and upon proclamation by the Governor:

AMENDMENT

"Any provision of the Constitution or laws of Alabama to the contrary notwithstanding, Greene County shall have full

and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses in the county.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association or corporation whatever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding \$250,000, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidence of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Greene County, or may be limited as to the source of their payment.

"7. To apply the proceeds from taxes levied and collected under the provisions of Section 215 of the Constitution and amendments thereto to the purchase, construction, lease, or acquisition of any of the property described in subdivision 1 above or for the furtherance of any of the other powers or authorities granted in this amendment, provided the proceeds from such taxes have not been pledged for debts or liabilities now existing.

"8. To pledge to the payment of any bonds, warrants, notes, or other obligations or evidence of indebtedness the annual proceeds from taxes levied and collected under authority of Section 215 of the Constitution and amendments thereto which have not been pledged for debts and liabilities now existing, and to obligate itself irrevocably to continue to use the proceeds from such tax until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of Greene County may impose, by approving and filing a certificate to that effect in the office of the judge of probate of the county or Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county.

"The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that proceeds from taxes authorized under Section 215 of the Constitution and amendments thereto have been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligation or evidence of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Greene County for the purpose of determining the borrowing capacity of the county under Sections 224 and 225 of the Constitution.

"This amendment shall be self executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Greene County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the substance of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four

successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 2, 1961.

Passed the Senate July 25, 1961.

Act No. 97

S. 469—Caffey.

AN ACT

To amend further Code of Alabama 1940, Title 1, Section 14, which relates to the reclassification date for laws based on population.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Title 1, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 14. The one hundred and twentieth day after the first day of the first regular legislative session held next after the publication by the federal government of the regular federal decennial population census for Alabama is hereby fixed as the date for any reclassification under any law requiring classification based on such said census. The provisions of this section shall not apply to any law which provides for the levying or collection of license taxes on a population basis or the distribution of state and county collected or administered revenue or funds on a population basis; and the population as disclosed by any federal decennial census, as soon as the same is proclaimed, published or certified by the director of the United States census bureau, shall be used in administering any such law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1961

Time: 2:05 P.M.

Act No. 98

H. 955—Johnson (J. T. Tom), Vickers.

AN ACT

To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the City of Dadeville, Tallapoosa County, Alabama, and its police jurisdiction, under the provisions of any ordinance or resolu-

tion duly promulgated and adopted by the governing body of said city; to prescribe powers, duties and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method of procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The department of revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in Dadeville, Tallapoosa County, Alabama, and its police jurisdiction, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use tax levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama Recompiled 1958, and all acts now or hereafter amendatory thereof or supplementary thereto except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of Dadeville, Tallapoosa County, Alabama, and when a certified copy of said ordinance or resolution has been filed with the department of revenue. Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11, of Chapter 20, Title 51, Code of Alabama Recompiled 1958, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of Dadeville, Tallapoosa County, or its designated agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes. And shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama Recompiled 1958 as amended. It shall be the duty of the commissioner of revenue to pay into the state treasury all such taxes collected for Dadeville, Tallapoosa County, Alabama under this Act; and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected

under the provisions of this Act for the use and benefit of Dadeville, Tallapoosa County, Alabama, during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue having been collected for the use of Dadeville, Tallapoosa County, Alabama, and paid into the state treasury; and the amount so certified by the commissioner of revenue as having been collected for the use of such city (less expenses) shall be paid to the treasurer or other custodian of funds of Dadeville, Tallapoosa County, Alabama. The department of revenue shall charge Dadeville, Tallapoosa County, Alabama, for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed two per cent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to Dadeville, Tallapoosa County, Alabama under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the department of revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the department of revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1961
Time: 2:06 P. M.

Act No. 99

H. 114—Oden.

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, Franklin County, or any municipality in Franklin County, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of

any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Franklin County, or the municipality therein, as the case may be, or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in Franklin County, or upon all property in the municipality, as the case may be, or upon all property in any district the boundaries of which the governing body of the county or the municipality, as the case may be, shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the county or the governing body of the municipality, as the case may be, may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon Franklin County or any municipality therein.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Franklin County or any municipality

therein for the purpose of determining the borrowing capacity of the county or any such municipality, as the case may be, under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Neither Franklin County, nor any municipality in Franklin County, shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or of the municipality therein, as the case may be. The governing body of the county, or of the municipality, as the case may be, may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office. .

Constitutional Amendment.

Passed the House June 16, 1961.

Passed the Senate July 28, 1961.

Act No. 100

H. 754—Grouby.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

AMENDMENT

Autauga County and the incorporated municipalities therein, jointly or severally, after an election held in accordance herewith shall have full and continuing power and authority to:

"1. Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. Lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein.

"4. Become a stockholder in any corporation, association or company.

"5. Lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. Become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment.

"7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any municipality in Autauga County or upon all property in any district to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. Pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Autauga County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county or any municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquiry further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Autauga County or any municipality therein for the purpose of determining their borrowing capacity under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature may enact laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 27, 1961.

Passed the Senate July 28, 1961.

Act No. 101

H. 805—Faulk.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Geneva County to incur additional indebtedness to the extent of not exceeding \$600,000 in principal amount, and to issue its general obligation bonds in evidence of the indebtedness so incurred, for the construction and equipment of a courthouse and jail in said county, and to levy and collect a special ad valorem tax in said county for the purpose of retiring such bonds and maintaining the courthouse and jail so constructed, and to specify conditions precedent to such actions.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part of said constitution when approved and proclaimed as prescribed by law:

“Geneva County is hereby authorized to incur indebtedness to the extent of not exceeding \$600,000 in principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of constructing and equipping a new courthouse and jail in said county and, in order to provide for the payment of the principal of and interest on said bonds and any redemption premium necessary for the redemption thereof and the expense of maintaining the courthouse and jail so constructed, to levy and collect a special ad valorem tax on all taxable property in said county at a rate not exceeding 2½ mills on each dollar of the assessed valuation of said property as assessed for state

taxation; provided, that the said special tax shall cease to be levied when the principal of and interest on the bonds issued under the authority contained in this amendment shall have been paid. Said bonds may be issued and said tax may be levied only after the question of the issuance of said bonds and the levy of said tax shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds and the levy of said tax, which election shall be called, held, conducted, canvassed and may be contested, and notice thereof shall be given, in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided further, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds and the levy of the tax herein authorized, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds or the levy of said tax. At any election held under this amendment the question of the issuance of said bonds and the levy of said tax shall be submitted as a single proposition. In the event the majority vote in said county on the adoption of this amendment is against the adoption hereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds and the levy of the tax proposed at such election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds and the levy of said tax, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted, to issue bonds in evidence of such indebtedness, and to levy the tax as herein authorized shall be in addition to all other powers which the said county may have under the constitution and laws of Alabama, and shall not be chargeable against the amount of indebtedness which may be incurred or the rate of taxes which may be levied under the constitution and laws in effect prior to the adoption of this amendment.

"All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit and of the said special tax to the extent necessary to pay the principal of and interest on said bonds. The governing body of said county may further, if it deems such action desirable, pledge for payment of the principal of and interest on said bonds any other tax which said county may be authorized to levy under any provision of the constitution. All

bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties. Any special tax which may be levied hereunder shall be levied and collected in accordance with the general laws of Alabama at the time in force respecting the levy and collection of ad valorem taxes by counties."

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of this Session of the Legislature of Alabama. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the State once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each courthouse therein.

Constitutional Amendment.

Passed the House June 27, 1961.

Passed the Senate July 28, 1961.

Act No. 102

H. 659—Harris.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become effective when approved and proclaimed as required by law:

PROPOSED AMENDMENT

The legislature shall not pass a special, private, or local law

changing the form of government of DeKalb County, or abridging the term of any officer thereof, by the abolition of his office or otherwise, or increasing or decreasing or altering the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during the term for which he was elected or appointed, or at any time, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county at an election held for such purpose, in the manner prescribed by such law. Nor shall the legislature authorize the governing body of DeKalb County to increase or decrease or alter the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during his term, or at any time, unless the operation of the law providing therefor shall be approved by a vote of the duly qualified electors of the county, at an election held for such purpose, in the manner prescribed by such law.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 13, 1961.

Passed the Senate July 28, 1961.

Act No. 103

H. 940—Bishop.

AN ACT

To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Tuscumbia.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

"The city of Tusculmbia shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate July 28, 1961.

Act No. 104

H. 941—Bishop.

AN ACT

To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Sheffield.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

"The city of Sheffield shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate July 28, 1961.

Act No. 105

H. 942—Reynolds (Madison), Roberts.

AN ACT

To propose an amendment to the Constitution of Alabama relating to Madison County and the City of Huntsville; authorizing each of them to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects, to lease, sell, exchange and otherwise convey all or any part of any such project and, after an approving bond election, to issue its interest-bearing general obligation bonds therefor; to specify the details respecting such bond elections; to limit the amount of bonds that said county and said city may have outstanding under the authority of said amendment; to require, as a condition precedent to the issuance of any such bonds, a lease or other similar agreement providing for the payment to the issuer of such bonds of rentals sufficient to pay the debt service on such bonds; to require the pledge of such rentals for such bonds and to authorize other security for such bonds; to authorize the said county or said city, as the case

may be, if such action is necessary to prevent or cure a default on bonds issued by said county or city, to levy ad valorem taxes, without limit as to rate or amount and in addition to all other taxes then authorized, on the assessed value of all taxable property therein; to provide that in carrying out the purposes of said amendment neither said county nor said city shall be subject to the provisions of Section 93 of the Constitution of Alabama; and to provide that said amendment shall be self-executing but that the legislature shall have the power to enact supplemental general, special or local legislation notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid and effective as a part of such Constitution when approved by a majority of the qualified electors voting thereon and thereafter proclaimed ratified by the Governor:

“For the promotion of local industrial, commercial or agricultural development, Madison County and the City of Huntsville shall each have full and continuing power (a) to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects, including real and personal property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever, (b) to lease, sell, exchange or otherwise convey all or any part of any such project to any person, firm or corporation, and (c) after an approving election as hereinafter provided, to sell and issue for such purposes interest-bearing general obligation bonds. Neither the county nor the city shall issue any bonds under the authority of this amendment unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the city, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be. Bonds issued under the authority of this amendment shall not be considered indebtedness of the county or the city, as the case may be, within the meaning of Sections 224 and 225 of the Constitution of Alabama, but neither the county nor the city shall at any time issue any bonds under the authority of this amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued here-under in excess of twenty per cent of the assessed value of the property in the county or the city, as the case may be. Neither shall the county or the city issue any bonds under the authority of this amendment unless prior thereto or contemporaneously therewith the county or the city, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the city, as the case

may be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the city, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness. All bonds issued under the authority of this amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semi-annual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds. In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this amendment, the county or the city, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the city, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

"In carrying out the purposes of this amendment, neither Madison County nor the City of Huntsville shall be subject to the provisions of Section 93 of the Constitution of Alabama, and the taxes which the county and the city are hereinabove authorized to levy and collect are in addition to all other taxes which the county and the city are authorized to levy and collect. This amendment shall be self-executing, but, notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama, the legislature shall have the power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. Such election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 210 to 214, inclusive, of Title 17 of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the date herein appointed for

the election. In any county in which there is no newspaper published, such notice shall be posted at each courthouse therein.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate July 28, 1961.

Act No. 106

H. 944—Johnson (Hardaway),
Johnston (Leonard).

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The Legislature may from time to time, by general or local laws applicable to or operative in Elmore County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Elmore County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which

no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendent.

Passed the House July 21, 1961.

Passed the Senate July 28, 1961.

Act No. 107

H. 954—Smith (St. Clair)

AN ACT

Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

AMENDMENT

“St. Clair County and the incorporated municipalities therein, jointly or severally, after an election held in accordance herewith shall have full and continuing power and authority to:

“1. Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

“2. Lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

“3. Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein.

“4. Become a stockholder in any corporation, association or company.

“5. Lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

“6. Become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amend-

ment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by sub-division 8 of this amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment.

"7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any municipality in St. Clair County or upon all property in any district to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. Pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of St. Clair County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county or any municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of St. Clair County or any municipality therein for the purpose of determining their borrowing capacity under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature may enact laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate July 28, 1961.

Act No. 108

H. J. R. 72—Smith (Russell).

HOUSE JOINT RESOLUTION

WHEREAS on last Friday all the members of the Legislature were presented with delicious peaches from the peach growers of Chilton County; and

WHEREAS the Peach Queen of Chilton County, Miss Mary Kate Tucker, honored the Legislature with her presence and presented a basket of peaches to our Speaker and Lieutenant Governor; and

WHEREAS Representative Francis Speaks and Senator Joe Graham were instrumental in arranging for the peaches to be presented to this Legislature; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that we do hereby express our thanks and appreciation to Miss Tucker, Representative Speaks and Senator Joe Graham and all the peach growers of Chilton County for the peaches presented to the members of this Body.

Approved August 1, 1961

Time: 10:00 A.M.

Act No. 109

H. 148—Roberts, Reynolds (Madison).

AN ACT

To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public hospital facilities for lease to the respective municipalities in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize such municipality to make a special pledge of certain revenues and taxes as security for rentals payable and agreements to be performed by it under such lease; to provide the priority of any such special pledge; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a nonforeclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease; to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon

payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. LEGISLATIVE INTENT—It is the intention of the Legislature by the passage of this act to empower each incorporated city and town in the state to authorize the incorporation of one or more public corporations as political subdivisions of the state for the purpose of providing public hospital facilities for lease to and use by the municipality, to invest each corporation organized hereunder with all powers that may be necessary to enable it to accomplish such purposes including the power to lease its properties and to issue interest bearing revenue bonds, and to grant to each such municipality power to rent such public hospital facilities on a year to year basis and to pledge tax revenues to secure the rent payable therefor. This act shall be liberally construed in conformity with the said intent.

Section 2. DEFINITIONS.—The following words and phrases, including the plural of any thereof, whenever used in this act shall have the following respective meanings unless the context clearly indicates otherwise:

“Authority” means a corporation organized pursuant to the provisions of this act.

“Board” means the board of directors of the Authority.

“Bond” means any bond issued under the provisions of this act, including refunding bonds.

“County” means that county in which the certificate of incorporation of the Authority shall be filed for record.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Fiscal year” means a fiscal year of the municipality.

“Governing body” means the council, board of commissioners, or other like body in which the legislative functions of the municipality are vested by law.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust or trust indenture executed by the Authority as security for any bonds.

“Lease agreement” means any agreement of lease respecting the project or any part thereof which is made pursuant to the provisions of this act.

“Municipality” means that incorporated city or town in the state which authorized the organization of the Authority.

“Project” means one or more buildings located or to be located within the municipality or within its police jurisdiction and designed for use and occupancy as a public hospital, public clinic, or public health center and related public health facilities such as laboratories, out-patient departments, nurses’ homes, nurses’ training facilities, central service facilities operated in connection therewith, and any equipment and lands necessary therefor.

“Specially pledged revenues” means any revenues and tax proceeds specially pledged under a lease agreement pursuant to the authorization contained in Section 10 of this act.

“State” means the State of Alabama.

Section 3. PROCEDURE TO INCORPORATE.—Whenever any number of natural persons, not less than three, shall file with the governing body an application in writing for permission to incorporate a public corporation under the provisions of this act, if it shall be made to appear to the governing body that each of the said persons is a duly qualified elector of and property owner in the municipality, and if the governing body shall duly adopt a resolution wherein it shall be declared that it will be wise, expedient and necessary that such a public corporation be formed and that the persons filing such application shall be authorized to proceed to form such public corporation, then the said persons shall become the incorporators of and shall proceed to incorporate the Authority in the manner hereinafter provided. No corporation shall be formed hereunder unless the application herein provided for shall be made and unless the resolution herein provided for shall be adopted.

Section 4. CONTENTS OF CERTIFICATE OF INCORPORATION.—The certificate of incorporation of the Authority shall state: the name and address of each of the incorporators, and a statement that each of them is a duly qualified elector of and property owner in the municipality; the name of the Authority (which shall be “The Hospital Building Authority of the (City or Town) of _____”, or some other name of similar import); the location of its principal office, which shall be in the municipality; the number of directors (which shall be three or a multiple of three); and any other matter relating to the Authority that the incorporators may choose to insert and which shall not be inconsistent with this act or with the laws of the state. The certificate of incorporation shall be signed and acknowledged by each of the incorporators before an officer authorized by the laws of the state to take acknowledgements of deeds. The form and contents of the certificate of incorporation must be submitted to the governing body for its approval, which shall be evidenced by a resolution duly entered upon the minutes of the governing body.

Section 5. RECORDING OF CERTIFICATE OF INCORPORATION.—The certificate of incorporation, having attached thereto (1) a certified copy of the resolution provided for in Section 4 of this act, and (2) a certificate by the Secretary of State of the state that the name proposed for the Authority is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty, shall be filed in the office of the judge of probate of any county in which any portion of the municipality is located, who shall forthwith receive and record the same. When such certificate of incorporation and attached documents have been so filed the Authority referred to therein shall come into existence and shall constitute a public corporation and a political subdivision of the state under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers hereinafter granted.

Section 6. BOARD OF DIRECTORS OF THE AUTHORITY.—The Authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The directors shall be residents of the municipality and shall be elected by the governing body for staggered terms of office as follows: the first term of one-third of the directors shall be two years; the first term of the second one-third of the directors shall be four years; the first term of the remaining one-third of the directors shall be six years; and upon the expiration of the initial term of each director each subsequent term shall be six years. If any director resigns, dies, becomes incapable of acting as a director, or ceases to reside in the municipality, the governing body shall elect a successor to serve for the unexpired portion of his term of office. Directors shall be eligible to succeed themselves in office. No director shall be an officer of the state or of the municipality. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the Authority. The members of the board and the officers of the Authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in and about the performance of their duties. All resolutions adopted by the board shall constitute actions of the Authority and all proceedings of the board shall be reduced to writing and signed by the secretary of the Authority, and shall be recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. OFFICERS OF THE AUTHORITY.—The officers of the Authority shall consist of a president, a vice-president, a secretary, a treasurer, and such other officers as the board shall deem necessary to accomplish the purposes for which the Authority was organized. The offices of secretary and treasurer may but need not be held by the same person. The president and vice-president of the corporation shall be elected by the board from its membership. The secretary, the treasurer, and any other officers of the Authority, who may but need not be members of the board, shall also be elected by the board.

Section 8. POWERS AND CAPACITIES OF THE AUTHORITY.—The Authority shall have the following powers and capacities, among others specified in this act, together with all powers incidental thereto or necessary to the discharge thereof: to have succession by its corporate name until dissolved as hereinafter provided; to sue others and to prosecute suits; to be sued by others in any form of litigation other than an action *ex delicto*, and to defend any litigation brought against it; to have and use a corporate seal and to alter the same at pleasure; to adopt and alter by-laws for the regulation and conduct of its affairs and business; to acquire, whether by purchase, gift, lease, devise, or otherwise, property of every description which the board may deem necessary or desirable to the acquisition, construction, reconstruction, improvement, enlargement, equipment, operation or maintenance of a project, and to hold title thereto; to construct, enlarge, improve, equip, maintain and operate one or more projects; to borrow money for any of its corporate purposes and to sell and issue in evidence of such borrowing its interest bearing revenue bonds as hereinafter provided; to sell and issue refunding revenue bonds; to secure any of its bonds by pledge and indenture as hereinafter provided; to appoint, employ and compensate such agents, architects and attorneys as the business of the Authority may require; to provide for such insurance as the board may deem advisable; to invest any of its funds pending need therefor as hereinafter provided; to contract, lease, and make lease agreements respecting its properties or any thereof as hereinafter provided; and to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful in connection with or in the operation of any project, provided that it shall not have the power to sell or convey any project substantially as a whole except as hereinafter provided.

Section 9. POWER OF EMINENT DOMAIN.—The Authority shall have the same power of eminent domain as is vested by law in the municipality, which power shall be exercised in the same manner and under the same conditions as are pro-

vided by law for the exercise of the power of eminent domain by the municipality.

Section 10. LEASE OF PROJECT TO MUNICIPALITY.—

(a) AUTHORIZATION OF LEASE.—The Authority and the municipality are hereby respectively authorized to enter into one or more lease agreements with each other whereunder one or more projects or any part thereof shall be leased by the Authority to the municipality. No such lease agreement shall be for a term longer than the then current fiscal year in which it is made. Any such lease agreement made, however, may contain a grant to the municipality of successive options to renew such lease agreement, on the conditions specified therein, for additional terms, but no such additional term shall be for a period longer than the fiscal year in which such renewal shall be made. The lease agreement may contain provisions as to the method by which such renewal may be effected.

(b) PAYMENTS LIMITED TO CURRENT REVENUES OF THE MUNICIPALITY FOR CURRENT FISCAL YEAR.—The obligation on the part of the municipality to pay the rental required to be paid and to perform the agreements on the part of the municipality required to be performed during any fiscal year during which the lease agreement is in effect shall constitute a general obligation of the municipality, and the municipality is authorized to pledge its full faith and credit for the payment of such rental and the performance of such agreements; provided, that the rental required to be paid and the agreements required to be performed by the municipality under the lease agreement during any fiscal year during which the lease agreement is in effect shall be payable solely out of the current revenues of the municipality for such fiscal year.

(c) SPECIAL PLEDGE.—As additional security for the payment of the rental required to be paid and for performance of the agreements on the part of the municipality required to be performed during the first or initial term of any lease agreement made by the Authority with the municipality, the municipality is authorized to pledge specially so much of the following revenues and tax proceeds as may be necessary to pay the rental and to perform the agreements which are required in the lease agreement to be paid and performed during the said initial term: (1) The revenues that may be received by the municipality during the said initial term from the operation of the project covered by the lease agreement remaining after the payment of all reasonable expenses during the said initial term for the operation and maintenance of the said project; and (2) The proceeds that may be received by the municipality during the said initial term from any tax or taxes the proceeds of which the municipality is authorized in Section 264 of Title 37 of the

Code of Alabama of 1940, as amended, to pledge for the benefit of bonds of the municipality. Whenever a lease agreement containing such a special pledge is renewed under its terms for an additional term, such special pledge shall be deemed effective for such additional term without the necessity of a new pledge being made or a new lease agreement being entered into for that purpose, and the exercise of the option to renew shall be construed as a renewal also of the said special pledge; provided, that said special pledge shall be applicable only to specially pledged revenues that are received by the municipality during the fiscal year for which the lease agreement is renewed. Each such special pledge that shall be so effected by renewal of the lease agreement for an additional term shall be deemed to relate to, and to have been made as of, the date on which the lease agreement was made, and shall take precedence over any pledge of the specially pledged revenues which might be made by the municipality and over any claim which might arise against the specially pledged revenues, between the date on which the lease agreement was made and the first day of the additional term for which the lease agreement shall be so renewed. Any pledge of specially pledged revenues made by the municipality under the provisions of any contract made by its subsequent to the date of the lease agreement containing such special pledge shall be subordinate to the special pledge contained in the lease agreement.

(d) **OBLIGATION TO LEVY TAXES SPECIALLY PLEDGED.**—In any instance where a lease agreement contains a pledge of specially pledged revenues, the municipality shall levy during each fiscal year that the lease agreement shall be in effect, and shall use, so much of the proceeds from the tax or taxes so specially pledged as may be necessary to pay the rentals and perform the agreements on the part of the municipality which are required in the lease agreement to be paid and performed during such fiscal year.

(e) **GENERAL PROVISIONS.**—Any lease agreement may contain such covenants as shall not be inconsistent with this act. The rental required to be paid and the agreements required to be performed by the municipality under the provisions of the lease agreement shall never create an indebtedness of the municipality within the meaning of Section 225 of the Constitution of the state. If any space available for rent in any project which shall have been leased in whole or in part to the municipality should become vacant after acquisition or construction of the project by the Authority, then until such time as all such vacant space shall have been filled or rented neither the municipality nor any officer, department or agency thereof shall thereafter enter into any rental agreement, or renew any then existing rental agreement, for other space in or about the municipi-

pality to be used for the same purposes for which such vacant space in the project is capable of being used.

Section 11. BONDS OF THE AUTHORITY.—The Authority is empowered at any time and from time to time to sell and issue its revenue bonds for the purpose of providing funds to acquire, construct, improve, enlarge, complete and equip one or more projects, and for payment of obligations incurred for any such purpose. The principal of and interest on any such bonds shall be payable solely out of the revenues derived from the project with respect to which such bonds were issued. Any bonds of the Authority may be delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than thirty years after its date. Each bond of the Authority having a specified maturity date more than ten years after its date shall be made subject to redemption at the option of the Authority at the end of the tenth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued. Bonds of the Authority may be sold at either public or private sale in such manner and at such time or times as may be determined by the board to be most advantageous to the Authority. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the revenues derived from the project with respect to which such bonds were issued.

Section 12. REFUNDING BONDS.—The Authority may at any time and from time to time sell and issue its refunding revenue bonds for the purpose of refunding the principal of and interest on any matured or unmatured bonds of the Authority at the time outstanding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid to redeem or retire the bonds so to be refunded. Any such refunding may be effected either by sale of refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby: provided, that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by the Authority under their respective provisions. Any refunding bonds of the Authority shall be payable

solely from the revenues out of which the bonds or coupons to be refunded thereby were payable. All provisions of this act pertaining to bonds of the Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the Authority.

Section 13. EXECUTION OF THE BONDS.—The bonds of the Authority shall be signed by either its president or its vice-president as shall be provided in the resolution under which the bonds shall be issued, and the seal of the Authority shall be affixed to the bonds and attested by its secretary; provided, that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced on any of the bonds in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on any of the bonds in lieu of being manually affixed thereto. Any interest coupons applicable to the bonds shall be signed either manually by, or with a facsimile of the signature of, either the president or the vice-president of the Authority as shall be provided in the resolution under which the bonds shall be issued. If, after any of the bonds or interest coupons thereunto appertaining shall be so signed, whether manually or by facsimile, any such officer shall for any reason vacate his office, the bonds and interest coupons so signed may nevertheless be delivered at any time thereafter as the act and deed of the Authority.

Section 14. SECURITY FOR BONDS.—The principal of and the interest on the bonds shall be secured by a pledge of the revenues out of which the bonds shall be made payable, by a pledge of the lease agreement covering the project from which revenues so pledged shall be derived, and by a pledge of the rental from such project, and may be secured by a nonforeclosable indenture covering the project. The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state. The indenture may contain any agreements and provisions customarily contained in instruments securing evidences of indebtedness including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of the rental from any project covered by such indenture, the terms to be incorporated in the lease agreement respecting the project, the maintenance and insurance of the project, the creation and maintenance of special funds from the rental of the project, and the rights and remedies available in the event of default to the holders of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this act; provided, that in making any such agreements or provisions the Authority shall not have the

power to obligate itself except with respect to the project and the application of the revenues therefrom. The indenture may contain provisions regarding the rights of any trustee thereunder and the holders of the bonds and coupons, and may contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 15. USE OF PROCEEDS FROM SALE OF BONDS.

—The proceeds derived from the sale of any bonds sold by the Authority (other than refunding bonds) shall be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping one or more projects, as may be provided in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of the project; the cost of the labor, materials and supplies used in any such construction, improvement or enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the project; the cost of landscaping the lands forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection therewith; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with the project; and interest on the bonds for a reasonable period prior to the commencement of the construction of the project, and during the period that is estimated will be required for such construction and for a period of not more than six months after the completion of such construction. If any proceeds derived from the sale of the bonds remain undisbursed after completion of the work and payment of all costs and expenses in connection with the project with respect to which the bonds are issued, such balance shall be applied toward the retirement of the bonds. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued.

Section 16. REMEDIES IN EVENT OF DEFAULT.

(a) IN EVENT OF DEFAULT ON THE BONDS.—If there should be any default in the payment of the principal of or interest on any bonds issued hereunder, then the holder of any of the bonds and of any of the interest coupons applicable thereto and the trustee under any indenture, or any one or more of them, (1) may either at law or in equity, by mandamus, injunction, or other proceedings, compel performance of all duties of the officers and directors of the Authority with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the Authority contained in

the proceedings under which they were issued, (2) shall be entitled to a judgment against the Authority for the principal of and interest on the bonds so in default, and (3) regardless of the sufficiency of the security for the bonds in default and as a matter of right, shall be entitled to the appointment of a receiver (i) to make lease agreements respecting the project out of whose revenues the bonds so in default are payable, and fix and collect rents therefor, and (ii) to operate, administer and maintain the project as a public hospital facility, with all powers of a receiver in equity in the exercise of any of said functions. The income derived from any lease agreement made, and any operation of the project carried on, by any such receiver shall be expended in accordance with the provisions of the proceedings under which the bonds were authorized to be issued and the orders of the court by which such receiver is appointed.

(b) IN EVENT OF DEFAULT IN LEASE AGREEMENT.

—If there should be any default by the municipality in the payment of any installment of rent or in the performance of any agreement required to be made or performed by the municipality under the provisions of any lease agreement, the Authority and the trustee under any indenture, or either of them, (1) may either at law or in equity, by mandamus, injunction, or other proceedings, compel performance by the officials of the municipality of their duties respecting the payment of the rentals required to be paid and performance of the agreements on the part of the municipality required to be performed under any such lease agreement, and (2) shall be entitled to a judgment against the municipality for all monetary payments required to be made by the municipality under the provisions of such lease agreement with respect to which the municipality is then in default.

(c) GENERAL REMEDIES.—The remedies herein specified shall be cumulative to all other remedies which may otherwise be available at law or in equity for the benefit of the holders of the bonds and the coupons applicable thereto, provided, that any indenture shall not be subject to foreclosure and shall not be construed so as to authorize the sale of any project covered thereby or any part thereof in satisfaction of the bonds secured thereby.

Section 17. INVESTMENT OF FUNDS OF THE AUTHORITY.—Any portion of the principal proceeds derived from the sale of the bonds which the board may determine is not presently needed for any of the purposes for which the bonds are authorized to be issued, and any other moneys of the Authority which the board may determine will not be presently needed by the Authority, may on order of the board be invested in any securities that are direct general obligations of the United

States of America or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States of America. Any securities in which any such investment is made may, at any time and from time to time on order of the board, be sold or otherwise converted into cash. The income derived from any such investments shall be disbursed on order of the board for any purpose for which the Authority may lawfully expend funds.

Section 18. EXEMPTION FROM TAXATION.—The properties of the Authority and the income therefrom, all lease agreements made by the Authority, all bonds issued by the Authority and the coupons applicable thereto and the income therefrom, and all indentures executed with respect thereto shall be forever exempt from any and all taxation in the State of Alabama.

Section 19. BONDS AND COUPONS CONSTITUTE NEGOTIABLE INSTRUMENTS.—All bonds issued by the Authority, while not registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the Authority, while the applicable bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 20. OBLIGATIONS NOT A DEBT OF THE STATE OR OF THE MUNICIPALITY.—All obligations incurred by the Authority and all bonds issued by it shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State of Alabama, or of the municipality.

Section 21. BONDS OF THE AUTHORITY LEGAL INVESTMENTS.—Bonds issued under the provisions of this act are hereby made legal investments for savings banks and insurance companies organized under the laws of the state. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the Authority.

Section 22. INVESTMENT OF MUNICIPAL FUNDS IN BONDS OF THE AUTHORITY.—The governing body is authorized in its discretion to invest in bonds of the Authority any idle or surplus money held in the treasury of the municipality which is not otherwise earmarked or pledged.

Section 23. PRESUMPTION OF VALIDITY OF BONDS AND PUBLICATION OF NOTICE THEREOF.—Any resolution

authorizing any bonds hereunder shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this act, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the adoption by the board of any resolution providing for the issuance of bonds, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper then published in the municipality, or if there is no newspaper then published in the municipality then in a newspaper published or circulated in the county, a notice in substantially the following form (with any appropriate changes and with the blanks being properly filled in): "....., a public corporation and a political subdivision of the State of Alabama, has authorized the issuance of \$..... principal amount of bonds of the said Authority to be dated for purposes authorized in the act of the Legislature of Alabama under which the said Authority was organized, and has entered into a lease with the (City or Town) of respecting the project described therein and pledged said lease and the rentals payable thereunder as security for said bonds. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same, or the said lease, must be commenced within twenty days after the first publication of this notice.

By.....
Its President"

any action or proceedings in any court to set aside or question the validity of the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the lease agreement pledged therefor, or the validity of any pledge made therefor, or the validity of the indenture, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds, or the lease agreement, or any pledge herein authorized, or the indenture, shall be asserted, nor shall the validity of the said proceedings, bonds, lease agreement, pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within said period.

Section 24. CONVEYANCE OF PROPERTY TO AUTHORITY BY THE MUNICIPALITY.—The municipality is hereby authorized to convey to the Authority, with or without the payment of monetary consideration therefor, any property

that may immediately preceding such conveyance be owned by the municipality, whether or not such property is necessary for the conduct of the governmental or other public functions of the municipality; provided, that such conveyance shall be authorized by a resolution duly adopted by the governing body prior to the conveyance. Such resolution shall be published one time, at least five days before such conveyance is consummated, in a newspaper published in the municipality, and if there is no newspaper then published in the municipality then in a newspaper published or circulated in the county.

Section 25. DISSOLUTION OF THE AUTHORITY AND VESTING OF TITLE TO ITS PROPERTIES.—At any time when the Authority does not have any bonds outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the judge of probate of the county, the Authority shall thereupon stand dissolved, and in the event that it owned any assets or property at the time of its dissolution the title to all its assets and property shall thereupon vest in the municipality. In the event the Authority shall at any time have outstanding bonds issued hereunder payable out of the revenues of different projects, then as and when the principal of and interest on all bonds payable from the revenues derived from any project shall have been paid in full, title to the project with respect to which the bonds so paid in full have been paid shall thereupon vest in the municipality, but such vesting of title in the municipality shall not affect the title of the Authority to any other project the revenues from which are pledged to the payment of any other bonds then outstanding. The formation of one or more public corporations under the provisions of this act shall not prevent the subsequent formation hereunder of other public corporations pursuant to permission granted by the same municipality.

Section 26. PROVISIONS CUMULATIVE.—This act shall not be construed as a restriction or limitation upon any power, right or remedy which any municipality or any corporation now in existence or hereafter formed may have in the absence hereof, and shall be construed as cumulative and independent thereof.

Approved August 1, 1961
Time: 10:29 A.M.

Act No. 110

H. 98—Branyon, Hankins, Self.

AN ACT

To amend Section 12 of Act No. 515, Acts of Alabama 1945, p. 734, approved July 9, 1945, as amended, entitled "An Act to establish an

employees' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of mortality; service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; to provide a method of financing said system; and to provide an appropriation to carry out the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 12 of Act No. 515, Acts of Alabama 1945, p. 734, approved July 9, 1945, as amended, be and the same is hereby amended so as to read as follows:

"Section 12. (1) The governing board of any county, city, town or public or quasi-public organization of the state or of any political subdivision thereof, or the Alabama extension service and agricultural experiment station system of the Alabama Polytechnic Institute may, by resolution legally adopted to conform to rules prescribed by the board of control, elect to have its officers and employees from whatever sources and in whatever manner paid, become eligible to participate in the retirement system; and the Adjutant General of the State, with the approval of the Governor, may, by application properly prepared and submitted in conformity with rules prescribed by the board of control, elect to have those employees of the Alabama National Guard employed pursuant to Section 709 of the United States Code, and paid from federally appropriated funds, become eligible to participate in this retirement system. The terms 'officers' and 'employees' as herein used shall include those persons appointed or employed by the individual officers and performing their duties in public offices. Acceptance of the employee of such an employer for membership in the retirement system shall be optional with the board of control and if it shall approve their participation, it shall set the date, which shall not be prior to October 1, 1946, when participation shall become effective, and then such employees may become members of the retirement system and participate therein as provided in the provisions of this section. Notwithstanding anything to the contrary, employees of any such employer who are members of any retirement, pension or benefit fund partially or wholly supported by public funds shall not be entitled to become members of this retirement system. (2) Membership in the retirement system shall be optional for employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such employee who elects to join the retirement system within one year thereafter shall be entitled to a prior service certificate covering such periods of previous service as shall be certified as creditable service by his employer for service rendered to such employer, or his predecessor, or the state, or in any other capacity approved by the employer and the

board, for which the employer is willing to make accrued liability contributions. Thereafter service for such employee on account of which the employer pays contributions, shall be considered also as creditable service. (3) Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. (4) Should a majority of the members of any retirement, pension, annuity fund or retirement system of any employer, hereafter referred to as a local pension system, elect to become members of the retirement system, by a petition duly signed by such members, the participation of such members in the retirement system may be approved as provided in subsection (1) of this section as though such local pension system were not in operation, and the provisions of this section shall thereupon apply, except that the existing pensioners or annuitants of the local pension system who were being paid pensions on the date of the approval shall be continued and paid at their existing rates by the retirement system and the liability on this account shall be included in the computation of the accrued liability rate as provided by subsection (6) of this section. Any cash and securities to the credit of the local pension system shall be transferred to the retirement system as of the date of approval. The trustees or other administrative head of the local pension system as of the date of approval shall certify the proportion, if any of the funds of the system that represents the accumulated contributions of the members, and the relative shares of the members as of that date. Such shares shall be credited to the respective employee annuity savings accounts of such members in the retirement system as additional contributions. The balance of the funds transferred to the retirement system, shall be offset against the accrued liability before determining the special accrued liability contribution to be paid by the employer as provided by subsection (6) of this section. The operation of the local pension system shall be discontinued as of the date of the approval. (5) The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of control such information and shall cause to be performed in respect to the employees of said employer such duties as shall be prescribed by the board in order to carry out the provisions of this chapter. (6) The actuary of the retirement system shall compute the rates of contributions payable by employees who become members under the provisions of this section in the same manner as if they were state employees and shall compute the contributions which would be payable annually by the employer on behalf of such members as though they were state employees except that each employer of members participating in the system as provided in this section shall make a special accrued liability contribution on account of the participation of its officers and employees in the retirement system which shall be

determined by an actuarial valuation of the accrued liability on account of the employees of such employer who elected to become members, in the same manner as the accrued liability rate was originally determined for state employees. This special accrued liability contribution, subject to such adjustment as may be necessary on account of any additional prior service credits awarded to employees of such employer, shall be payable in lieu of the accrued liability contribution payable on account of other employees in the system. The expense of making such initial valuation shall be assessed against and paid by the employer on whose account it is necessary. The contributions so computed together with a pro-rata share of the cost of the administration of the retirement system, based upon the payroll of the employees, shall be certified by the board of control to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the state treasurer the amount certified by the board as payable under the provisions of this section, and the state treasurer shall credit such amounts to the appropriate funds of the retirement system.

(7) Employees who become members under this section and on behalf of whom contributions are paid as provided in this section should be entitled to the benefits under the retirement system as though they were state employees. (8) The agreement of any employer to contribute on account of its employees shall be irrevocable, but should an employer for any reason become financially unable to make the normal and accrued liability contributions payable on account of its employees, then such employer shall be deemed to be in default. All members of the retirement system who were employees of such employer at the time of default shall thereupon be entitled to discontinue membership in the retirement system and to a refund of their previous contributions upon demand made within ninety days thereafter. As of a date ninety days following the date of such default, the actuary of the retirement system shall determine by actuarial valuation the amount of the reserve held on account of each remaining active member and pensioner of such employer and shall credit to each such member and pensioner the amount of reserve so held. The reserve so credited together with the amount of the accumulated contributions of each such active member, shall be used to provide for him a paid up deferred annuity beginning at age sixty, and the reserve of each pensioner shall be used in providing such part of his existing pension as the reserve so held will provide, which pension, together with his annuity, shall thereafter be payable to him. The rights and privileges of both active members and pensioners of such employer shall thereupon terminate, except as to the payment of the deferred annuities so provided and the annuities and pensions, or parts thereof, provided for the pensioners. (9) Not-

withstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or pensioners of any employer under this section, for which reserves have not been previously created from funds contributed by such employer or its employees for such benefits. (10) The agreement of any employer to contribute on account of its employees shall be irrevocable except that by mutual consent any employer, and its employees desiring to withdraw from the employee's retirement system as a unit, may do so by complying with the following provisions:

(a) The employer, by resolution of the governing body, shall signify its intention and desire to withdraw from the employees' retirement system in writing and shall deliver copy of such resolution, together with the signatures of members as provided in sub-section (10) (b) and (c) below, to the board of control of the employees' retirement system.

(b) Each member of such employer contributing on the date that the unit withdraws shall agree in writing to waive his rights, privileges and vested interest under the provisions of the Employees' Retirement System Act, and shall agree to have his accumulated contributions with interest as is provided to a member upon withdrawal, transferred to the employer and retained or expended in accordance with applicable local law.

(c) Each member of such employer who is not contributing on the date that the unit withdraws shall have his contributions plus interest retained in the state employees' retirement system, and shall be governed under the applicable laws, except those who agree as in (b) above, in which event, their accumulated contributions with interest as is provided to a member upon withdrawal shall be treated in the same manner as in (b) above.

(d) The rights and privileges of existing beneficiaries of such employer shall neither be diminished, nor impaired, and the actuarial determination of the reserves necessary to provide the existing benefits shall be determined by the actuary employed by the state employees' retirement system, and shall be certified to the governing body of the withdrawing unit, who shall agree to maintain such rights and privileges, and to maintain the reserves, as certified, for the existing beneficiaries. Should the reserves prove inadequate, such employer shall agree to appropriate such amounts as may be necessary to maintain the existing benefits. The signatures of the existing beneficiaries agreeing to waiver of their rights and privileges, and vested interest in the employees' retirement system, and transfer of their accounts to the local employer shall be obtained by the employing unit. In the event any beneficiary declines to agree and sign such waiver of their rights and privileges, the reserves in the

annuity reserve fund and pension reserve fund for such beneficiary shall be maintained by the employees' retirement system under such rules and regulations as the board of control may adopt and such reserves as may be determined by the actuary as necessary shall be retained out of any monies which the withdrawing unit has remitted to the retirement system. Upon transfer of such funds to the employer the employees' retirement system shall not be liable for the payment of any annuities or pensions or other benefits on account of such beneficiaries.

(e) The board of control of the employees' retirement system shall promulgate such rules and regulations as are necessary to the termination of such employers' and employees' participation in the employees' retirement system and shall determine the amounts returnable to the employer and employees upon the actuarial valuation of such amounts by the actuary. Any actuarial or extraordinary expenses involved in such termination and transfer of funds, if in excess of present administrative expense, shall be deducted from any funds returnable to the employer, but no transfer of funds shall take place in less than ninety days subsequent to date of notification of intention to withdraw by the employer subsequent to June 10, 1953."

Approved August 1, 1961

Time: 10:10 A.M.

Act No. 111

H. 48—Glass, Taylor

AN ACT

For the relief of W. H. Rogers and to authorize and direct the Court of County Commissioners of Butler County, Alabama, to reimburse the said W. H. Rogers the sum of FOUR HUNDRED SEVENTY-ONE DOLLARS AND FORTY-TWO CENTS (\$471.42) for excess charges for a cattle pass constructed under a public road in Butler County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon passage of this act, the Court of County Commissioners of Butler County, Alabama, is authorized and directed to issue its warrant on the County Depository of said county in favor of W. H. Rogers in the sum of FOUR HUNDRED SEVENTY-ONE DOLLARS AND FORTY-TWO CENTS (\$471.42), which shall be paid out of any funds in said County Depository not otherwise appropriated, for the purpose of reimbursing the said W. H. Rogers for excess charges for a cattle pass constructed under a public county road in Butler County, Alabama. Said cattle pass was previously installed with county forces using county materials and the price charged for same was paid to Butler County by the said W. H. Rogers.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961

Time: 10:01 A.M.

Act No. 112

H. 49—Taylor, Glass

AN ACT

For the relief of Motor Service Company and to authorize and direct the Court of County Commissioners of Butler County, Alabama, to pay to the said Motor Service Company the sum of ONE HUNDRED NINETY-FIVE DOLLARS AND SIXTY-NINE CENTS (\$195.69) for damages to an automobile which was in the custody of Motor Service Company.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon passage of this act, the Court of County Commissioners of Butler County, Alabama, is authorized and directed to issue its warrant on the County Depository of said county in favor of Motor Service Company in the sum of ONE HUNDRED NINETY-FIVE DOLLARS AND SIXTY-NINE CENTS (\$195.69), which shall be paid out of any funds in said County Depository not otherwise appropriated, for the purpose of compensating the said Motor Service Company for damages to an automobile which was in its custody. Said damages were caused by said automobile being struck by a vehicle owned by Butler County, Alabama, and driven by a county employee while on duty in the county.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961

Time: 10:02 A.M.

Act No. 113

H. 50—Glass, Taylor.

AN ACT

For the relief of The National Electrical Manufacturing Company and to authorize and direct the Court of County Commissioners of Butler County, Alabama, to pay to the said National Electrical Manufacturing Company, the sum of TWO HUNDRED FIVE DOLLARS AND FORTY-TWO CENTS (\$205.42) for damages to an automobile of the said National Electrical Manufacturing Company.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon passage of this act, the Court of County Commissioners of Butler County, Alabama, is au-

thorized and directed to issue its warrant on the County Depository of said county in favor of The National Electrical Manufacturing Company in the sum of TWO HUNDRED FIVE DOLLARS AND FORTY-TWO CENTS (\$205.42), which shall be paid out of any funds in said County Depository not otherwise appropriated, for the purpose of compensating the said National Electrical Manufacturing Company for damages to their automobile caused by said automobile being struck by a vehicle owned by Butler County, Alabama, and driven by a county employee while on duty in the county.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961

Time: 10:03 A.M.

Act No. 114

H. 51—Glass, Taylor.

AN ACT

Relating to Butler County; authorizing the county to pay the costs of publishing in two newspapers of general circulation in the county the lists of qualified electors and lists of election officials now required by law to be published in only one such newspaper.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or like governing body of Butler County may pay from the county treasury the cost of publishing in two newspapers of general circulation in Butler County the lists of qualified electors of the county, and the lists of election officials, now required by law to be published by the judge of probate, and the sheriff, respectively, in only one such newspaper in the county.

Section 2. This Act shall not affect the times at which the lists of qualified electors and the lists of election officials are published, and is intended only to authorize the payment by the county of the costs of publishing such notices in two newspapers of general circulation in the county, rather than in one such newspaper as now prescribed by law.

Section 3. All laws or parts of laws which conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:04 A.M.

Act No. 115

H. 54—Albea, Merrill.

AN ACT

To amend Section 5 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, vol. II, p. 838).

Be It Enacted by the Legislature of Alabama:

Section 5 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), is amended to read as follows:

“Section 5. There is hereby created the Civil Service Board of the City of Anniston, which shall be composed of three members appointed by the Governor, upon nomination in writing by members of the Calhoun County legislative delegation, as follows: the senator and each representative may submit not more than three nominations for each place to be filled, and the appointment, or appointments, shall be made from among those persons thus nominated; if the same person is nominated by all members of the delegation, the person thus nominated shall be appointed; if the legislative delegation is divided, the nominee favored by the majority shall be appointed. If no person receives a majority nomination, each member of the legislative delegation may forthwith submit in writing an additional nominee until some person receives a majority nomination and such person shall be forthwith appointed. Of the first members of the board one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. Their successors shall be appointed for terms of six years. No person shall be appointed to the board who is not a resident and qualified elector of the City of Anniston and over the age of twenty-five years. No member of the board shall hold any office of profit under the city, the county, or the State of Alabama. Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term by the Governor, in the same manner as original appointments. Nominations to fill a vacancy must be submitted to the Governor within thirty days after the vacancy occurs, and the Governor must make the appointment forthwith. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the Board, and the mayor or other chief executive officer of the City of Anniston shall forthwith notify the Governor, who shall fill the vacancy as provided in this section.”

Approved August 1, 1961
Time: 10:05 A.M.

Act No. 116

H. 89—Camp, Nichols

AN ACT

To fix the compensation of members of the county board of education of all counties having populations of not less than 65,000 nor more than 95,000, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the county boards of education of all counties having populations of not less than 65,000 nor more than 95,000, according to the 1960 or any subsequent federal decennial census, shall each receive from the public school funds of the county twenty-five dollars (\$25) a day and actual traveling and hotel expenses incurred in attending meetings of the board. But no board member shall be allowed to pay for more than 24 days in any one year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961

Time: 10:09 A.M.

Act No. 117

H. 120—Adams.

AN ACT

To amend further Act No. 315, S. 293, approved August 13, 1947, entitled "An Act To create and establish in Houston County, in lieu of the county court, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein," (Local Acts of 1947, page 226) so as to authorize the clerk of the court to appoint a deputy clerk; and to prescribe such deputy clerk's power and authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 315, S. 293, approved August 13, 1947 (Local Acts of Alabama, 1947, page 296) entitled "An Act To create and establish in Houston County, in lieu of the county court, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein," is amended to read as follows:

"Section 8. Criminal prosecutions. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the clerk of the court, or the deputy

clerk of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

“(b) The county deputy solicitor shall, without additional compensation, prosecute for the State all criminal cases commenced in such court. In the event the deputy solicitor is absent or disqualified, the judge shall appoint a special prosecutor, who shall be paid twenty-five dollars (\$25.00) for each day he is called upon to serve.”

Section 2. Section 11 of said Act No. 315, S. 293, approved August 13, 1947, as amended by Act 208, S. 456, approved July 12, 1949 (Acts of 1949, page 295) is hereby further amended to read as follows:

“Section 11. Clerk, Register, Court Reporter, and Secretarial Assistance. (a) The circuit clerk of Houston County and the register of the circuit court shall be the clerk and register, respectively, of the court herein established; and the clerk may appoint a deputy clerk who shall have all the power and authority that is herein given to the clerk. In addition to all bonds required of them as circuit clerk and the register of the circuit court, the clerk and register of this court shall each make bond in the sum of two thousand dollars (\$2,000). The Director of the County Department of Public Welfare shall be clerk of the juvenile division and shall serve without additional compensation. In addition to his salary, the judge of the Houston Law and Equity Court shall receive an annual allowance of nine hundred dollars (\$900) for secretarial assistance, which allowance shall be paid in equal monthly installments from the general funds of the county at the time his salary is paid. In addition to his regular compensation, the clerk and register each shall receive for such services the sum of six hundred dollars (\$600) annually, which sum shall be payable in equal monthly installments from the general fund of the county. Each shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court.

“(b) It shall be the duty of the clerk and register, respectively, to keep all the records, files, and dockets of the court in

an orderly manner and to perform all other duties required by the judge.

“(c) The clerk and register, respectively, shall have power and authority: 1) to administer oaths and take acknowledgements and affidavits; 2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; 3) to approve bonds in civil and criminal cases; 4) to enter all judgments, orders, and decrees of the court; 5) to certify all appeals and transcripts; 6) to exercise all powers and authority which are now or may be hereafter, conferred on clerks and registers of the circuit courts.

“(d) The judge shall secure the services of a competent reporter to attend the sessions of the court and report all cases tried when request therefor is made by any party to a suit. He shall serve at the will and pleasure of the judge. The reporter shall receive five dollars for each day that he is called upon to serve, to be paid out of the general fund of the county, and in addition, he shall receive for his own use from the parties to suits when they request such, ten cents per hundred words for making a transcript of evidence taken by such reporter, and five cents per hundred words for each copy thereof. He shall be required to keep his notes and records for public use and inspection. In all cases reported by the reporter there shall be taxed as part of the costs of the case a fee of \$5.00 for each day or fraction thereof that such reporter shall be engaged in reporting the case, to be collected as costs as in other cases, and when collected paid by the clerk of the court into the county treasury of Houston County, Alabama.

“(e) Nothing contained herein shall be interpreted in any manner whereby to prevent any elective or appointive official of said court from serving and completing the term to which he has previously been elected or appointed.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:17 A.M.

Act No. 118

H. 121—Adams.

AN ACT

To alter and rearrange the boundaries of the Town of Ashford, Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundaries of the Town of Ashford,

Alabama, shall be altered and rearranged so as to include within the corporate limits of said Town of Ashford, Alabama, all of the territory lying within the boundaries hereinafter set out as follows, to-wit: Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 29, Township 3 North, Range 28 East, and running East along the land line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 27, Township 3 North, Range 28 East; thence running South along the land line to the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 2 North, Range 28 East; thence running West along the land line to the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 5, Township 2 North, Range 28 East; thence running North along the land line to the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 29, Township 3 North, Range 28 East, the point of beginning.

Section 2: Be it enacted that the boundaries set out in Section 1 be, and the same are, hereby established as the corporate limits of the Town of Ashford, a Municipal Corporation of Houston County, Alabama.

Section 3: Be it further enacted that all laws, or parts of laws, in conflict with this act be, and the same are, hereby repealed.

Approved August 1, 1961
Time: 10:18 A.M.

Act No. 119

H. 122—Adams.

AN ACT

To amend Act No. 11, S. 88, Regular Session 1957, an act providing for deputies, clerks, and other assistants of certain officers of Houston County; regulating the compensation of such deputies, clerks, and assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2, 3, 4 and 6 of Act No. 11, S. 88, approved May 30, 1957 (Acts of Alabama 1957, Vol. I, p. 35), an act providing for the employment of deputies, clerks and other assistants to certain officers of Houston County, are amended to read as follows:

"Section 1. The tax assessor of Houston County is hereby authorized and empowered to appoint one chief clerk whose salary shall not exceed thirty-six hundred dollars (\$3,600.00) per annum during the first year of employment, and one clerk whose salary shall not exceed twenty-four hundred dollars

(\$2,400.00) per annum during the first year of employment. Each of these clerks shall be entitled to an increase in salary after each year of employment through the first ten years of such employment of ten dollars (\$10.00) per month; and thereafter each shall be entitled to an additional increase of twenty dollars (\$20.00) per month after each additional five year period of employment, provided, however, that the salary of each clerk shall not exceed five thousand dollars (\$5,000.00). Such increases shall be subject to the approval of the tax assessor. The tax assessor is also authorized and empowered to appoint extra clerks and assistants as he deems necessary, but their combined salaries shall not exceed the sum of twenty-four hundred dollars (\$2,400.00) per annum. The provisions of this Act regarding the starting salary of the chief clerk shall only apply to a chief clerk who may be appointed by the tax assessor after March 1, 1961.

"Section 2. The tax collector of Houston County is hereby authorized and empowered to appoint one chief clerk whose salary shall not exceed thirty-six hundred dollars (\$3,600.00) per annum during the first year of his employment, and he may appoint such additional clerks and assistants as he may deem necessary, but their salaries shall not exceed the sum of twenty-four hundred dollars (\$2,400.00) per annum. The chief clerk shall be entitled to an increase in salary after each year of employment through the first ten years of such employment of ten dollars (\$10.00) per month; and thereafter he shall be entitled to an additional increase of twenty dollars (\$20.00) per month after each additional five year period of employment, provided, however, that the salary of each clerk shall not exceed five thousand dollars (\$5,000.00). Such increases shall be subject to the approval of the tax collector. The provisions of this Act regarding the starting salary of the chief clerk shall only apply to a chief clerk who may be appointed by the tax collector after March 1, 1961.

"Section 3. The judge of probate of Houston County is hereby authorized and empowered to appoint one chief clerk whose compensation shall be a salary not exceeding thirty-six hundred dollars (\$3,600.00) during the first year of his employment; five clerks, each of whom shall be entitled to an annual salary not exceeding twenty-four hundred dollars (\$2,400.00) during the first year of his employment; and such extra and additional clerks and deputies as may be necessary, but their combined salaries shall not exceed the sum of three thousand dollars (\$3,000.00) per annum. The chief clerk and the five clerks mentioned herein shall be entitled to an increase in salary after each year of employment through the first ten years of such employment in an amount equal to five percent of the basic salary and thereafter each shall be entitled to additional in-

creases after each additional five year period of employment in amounts equal to ten percent of the basic salary, provided, however, that the salary of the chief clerk shall not exceed six thousand dollars (\$6,000.00) per annum, and the salaries of the other clerks herein authorized shall not exceed five thousand dollars (\$5,000.00) per annum. Such increases shall be subject to the approval of the judge of probate.

Section 4. The clerk of the circuit court of Houston County is hereby authorized and empowered to appoint one chief clerk whose compensation shall be an annual salary of not more than thirty-six hundred dollars (\$3,600.00) during the first year of his employment; and one additional clerk whose salary shall not exceed twenty-four hundred dollars (\$2,400.00) during the first year of his employment. The chief clerk and the additional clerk herein authorized shall be entitled to an increase in salary after each year of employment through the first ten years of such employment of ten dollars (\$10.00) per month; and thereafter each shall be entitled to an additional increase of twenty dollars (\$20.00) per month after each additional five year period of employment, provided, however, that the salary of each clerk shall not exceed five thousand dollars (\$5,000.00) per annum. Such increases shall be subject to the approval of the clerk of the circuit court. The provisions of this Act regarding the starting salary of the chief clerk shall only apply to a chief clerk who may be appointed by the clerk of the circuit court after March 1, 1961.

"Section 6. The register of the circuit court of Houston County is hereby authorized and empowered to appoint one chief clerk whose compensation shall be an annual salary not exceeding thirty-six hundred dollars (\$3,600.00) during the first year of such clerk's employment. Subject to the approval of the register, such clerk shall be entitled to an increase in salary after each year of employment through the first ten years of such employment of ten dollars (\$10.00) per month; and thereafter such clerk shall be entitled to an additional increase of twenty dollars (\$20.00) per month after each additional five year period of employment, provided, however, that the salary of such clerk shall not exceed forty-two hundred dollars (\$4,200.00) per annum. The provisions of this Act regarding the starting salary of the chief clerk shall only apply to a chief clerk who may be appointed by the register of the circuit court after March 1, 1961."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:19 A.M.

Act No. 120

H. 130—Dodd.

AN ACT

To repeal Act No. 30, H. 78, approved March 23, 1956, an act relating to the compensation of deputy sheriffs in certain counties classified on a population basis (Acts of Alabama, Special Sessions 1956, p. 299).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 30, H. 78, approved March 23, 1956, entitled "An Act relating to counties having a population of not less than 24,000 and not more than 25,000 inhabitants according to the last or any subsequent federal decennial census, to authorize county governing bodies to pay a salary to a deputy sheriff, other than and in addition to the chief deputy sheriff holding appointment from the sheriff of such county and to pay a salary to such other Deputy Sheriff of not more than \$250.00 per month to be paid by monthly installment out of the Treasury of such counties upon the warrant of the governing body of such counties" (Acts of Alabama, Special Sessions 1956, p. 299), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:20 A.M.

Act No. 121

H. 131—Dodd.

AN ACT

To repeal Act No. 621, H. 906, approved September 15, 1953, an act providing expense allowances to members of the court of county commissioners, boards of revenue, or other like county governing bodies of certain counties classified on a population basis (Acts of Alabama 1953, vol. II, p. 880).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 621, H. 906, approved September 15, 1953, entitled "An Act to provide an expense allowance to members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 24,500 nor more than 25,725 according to the last or any subsequent federal decennial census" (Acts of Alabama 1953, vol. II, p. 880), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:21 A.M.

Act No. 122

H. 132—Dodd.

AN ACT

To repeal Act No. 318, H. 832, approved August 20, 1957, an act relating to the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 425).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 318, H. 832, approved August 20, 1957, entitled "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than twenty-four thousand nor more than twenty-five thousand five hundred, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. I, p. 425), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10:22 A.M.

 Act No. 123

H. 133—Dodd.

AN ACT

To repeal Act No. 55, H. 122, approved March 28, 1956, an act relating to the compensation of members of the court of county commissioners, board of revenue, or other like governing body of certain counties classified on a population basis (Acts of Alabama, Special Sessions 1956, p. 345).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 55, H. 122, approved March 28, 1956, entitled "An Act to fix the compensation of the members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not less than 24,500 nor more than 25,725 inhabitants, according to the last or any subsequent federal decennial census; and to provide for the manner of payment of such compensation" (Acts of Alabama, Special Sessions 1956, p. 345), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10:23 A.M.

Act No. 124

H. 134—Dodd.

AN ACT

To repeal Act No. 110, H. 398, approved June 30, 1955, an act providing an expense allowance to members of courts of county commissioners, boards of revenue or other like county governing bodies of certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 355).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 110, H. 398, approved June 30, 1955, entitled "An Act to provide an expense allowance to members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 24,500 nor more than 25,725 according to the last or any subsequent federal decennial census" (Acts of Alabama vol. I, p. 355), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:24 A.M.

Act No. 125

H. 135—Dodd.

AN ACT

To repeal Act No. 150, S. 159, approved June 30, 1953, an act providing for the payment of traveling expenses of members of boards of revenue, courts of county commissioners, or other like county governing bodies of certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 193).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 150, S. 159, approved June 30, 1953, entitled "An Act Relating to counties having a population of not less than 24,500 nor more than 25,725 inhabitants according to the 1950 or any subsequent decennial census of the population of the U. S.; providing for the payment of certain travelling expenses incurred by the members of the board of revenue, court of county commissioners, or like governing body of any such county" (Acts of Alabama 1953, vol. I, p. 193), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:25 A.M.

Act No. 126

H. 141—Turner.

AN ACT

To provide that in equity suits in Limestone County the depositions of witnesses or parties upon oral examination for discovery or for use as evidence may be taken as provided in Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.); to provide that in such county in equity suits the scope of the examination, the use of such depositions, the effect of using such depositions, the method of compelling the attendance of the person sought to be examined and the penalties for the failure of such to appear for such examination, shall be the same as provided for by said Act No. 375 of the Legislature of Alabama of 1955; to provide that the provision of this Act shall apply to future suits and pending suits in such county and also to depositions heretofore taken in pending suits, provided the party or parties taking such depositions in taking the same proceeded under said Act No. 375 of the Legislature of Alabama of 1955; and to provide that the provisions of any law or rule of court in conflict with the provisions of this Act shall be repealed to the extent of such conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Limestone County.

Section 2. In any equity suit in the county, whether such suit be pending at the time of the adoption of this Act or be thereafter filed, any party may take the deposition of any person, including a party, by deposition upon oral examination for the purpose of discovery, or for use as evidence, in the suit, or for both purposes, in the manner, upon the terms and conditions prescribed by Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.), hereinafter referred to as Act No. 375.

Section 3. The scope of the examination and cross-examination shall be the same as that provided for in Act No. 375.

Section 4. (a) Subject to the conditions set forth in subsection (b) of this Section 4, the depositions provided for by this Act shall be governed by the following sections of Act No. 375:

Section 4, entitled "USE OF DEPOSITIONS".

Section 5, entitled "OBJECTIONS TO ADMISSIBILITY".

Section 6, entitled "EFFECT OF TAKING OR USING DEPOSITIONS".

Section 7, entitled "NOTICE OF EXAMINATIONS TIME AND PLACE".

Section 8, entitled "STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS".

Section 9, entitled "ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS".

Section 10, entitled "MOTION TO TERMINATE OR TO LIMIT EXAMINATION".

Section 11, entitled "RECORD OF EXAMINATION; OBJECTIONS".

Section 12, entitled "PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN".

Section 13, entitled "SUBMISSION TO WITNESS; CHANGES; SIGNING".

Section 14, entitled "CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING".

Section 15, entitled "FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES".

Section 16, entitled "EFFECT OF ERRORS AND IRREGULARITIES IN DEPOSITIONS".

Section 17, entitled "REFUSAL TO ANSWER".

(b) The word "judgment" as used in any of the sections of Act No. 375 shall include decree or order; and the word "clerk" as used in any of the sections of Act No. 375 shall include "register".

Section 5. (a) This Act shall apply to suits pending at the time of the adoption of the Act and to suits thereafter filed.

(b) If any party to any suit pending when this Act is adopted has theretofore taken any deposition or depositions in such suit and in taking such deposition or depositions has conformed to, or complied with, this provision of Act No. 375 governing the taking of depositions in actions at law, then this Act shall apply to such deposition or depositions and to the use and consideration thereof in the said suit; and if such pending suit is submitted to the Court prior to the adoption of this Act and any such deposition or depositions taken as aforesaid has been offered in evidence by either party to the suit prior to the said submission, the Court having the said suit on submission shall accord the said deposition or depositions same consideration and effect as if this Act had been in effect at the time of the submission of said suit.

Section 6. The provisions of any law or rule of Court in conflict with the provisions of this Act shall be repealed to the extent, but only to the extent, of such conflict.

Section 7. The provisions of this Act are in addition to any other provisions relating to the taking of depositions or discovery depositions of witnesses or parties and the provisions of this Act are cumulative.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:26 A.M.

Act No. 127

H. 142—Turner.

AN ACT

Relating to the election of the municipal governing body of any city governed by a mayor and council and having a population of not less than 9,000 nor more than 9,500 inhabitants, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city in Alabama governed by a mayor and council and having a population of not less than 9,000 nor more than 9,500 inhabitants, according to the 1960 or any subsequent federal decennial census, a majority of the votes cast at an election for mayor and members of the city council shall be a prerequisite to election to these respective offices whenever there are more than two candidates for the same office.

Section 2. The council of such city, when it canvasses the returns from a regular election in which there were more than two candidates for the office of mayor or in which there were more than two candidates for member of the council from the same ward, shall declare a candidate for either of these offices elected, and shall issue to him a certificate of election only if he received a majority of the votes cast at such election for such office. If it appears from a canvass of the returns that no candidate for mayor received a majority of the votes cast, or that no candidate for member of the council from each of the wards, respectively, received a majority of the votes for the office for which he was a candidate, the council shall certify this fact, and shall order a second or run-off election to be held, not later than seven days thereafter, for the election of a mayor and members of the council from the wards for which no member was elected in the first or regular election. The two candidates receiving the largest number of votes in the first or regular election for the respective offices to be filled shall be candidates in the run-off election. In the event one of these candidates withdraws from the race no second or run-off election shall be held for that office, and the remaining candidate shall receive a certificate of election signed by the council of the city, or a majority of them.

Section 3. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:27 A.M.

Act No. 128

H. 143—Turner.

AN ACT

To repeal Act No. 407, H. 53, approved September 9, 1955, an act relating to the election of the municipal governing body in any city governed by a mayor and council and having a population of not less than 6,125 nor more than 6,725 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 407, H. 53, approved September 9, 1955, entitled "An Act relating to the election of the municipal governing body in any city, governed by a mayor and council and having a population of not less than 6,125 nor more than 6,725 inhabitants, in which the qualified voters approve the adoption of the provisions of this Act at a referendum election held pursuant to this Act," (Acts of Ala. 1955, vol. II, p. 952) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:28 A.M.

Act No. 129

H. 101—Branyon.

AN ACT

To repeal Act No. 99, H. 168, approved June 18, 1953, entitled, "An Act relating to counties having a population of not less than eighteen thousand (18,000) nor more than twenty thousand two hundred fifty (20,250) inhabitants according to the 1950 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties" (Acts of Alabama 1953, vol. I, p. 143).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 99, H. 168, approved June 18, 1953, entitled, "An Act relating to counties having a population of not less than eighteen thousand (18,000) nor more than twenty thousand two hundred fifty (20,250) inhabitants according to

the 1950 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties," (Acts of Alabama 1953, vol. I, p. 143) is hereby expressly repealed.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:12 A.M.

Act No. 130

H. 100—Branyon.

AN ACT

Relating to counties having a population of not less than 15,500 nor more than 16,300 inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 15,500 nor more than 16,300 inhabitants according to the 1960 or any subsequent decennial census of the United States.

Section 2. Each member of the jury commission in every such county shall be paid the sum of ten dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. The warrants are to be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the commission shall not exceed the sum of two hundred dollars (\$200.00) for any one year of his term.

Section 3. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10:11 A.M.

Act No. 131

H. 108—Branyon.

AN ACT

Relating to Fayette County; regulating further the insuring of certain public buildings in Fayette County, together with the equipment, furniture, fixtures, and other property in such buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of trustees or other governing body of

any public hospital in Fayette County, in its discretion, may insure any public buildings owned by the State, county, or city, as the case may be, and within its jurisdiction or under its control, together with the equipment, furniture, fixtures, and other property in any such buildings, for the insurable value thereof, with insurance companies of its own choosing, and shall not be required to insure such property by or through either the State Insurance Fund or the State Department of Finance, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:13 A.M.

Act No. 132

H. 116—Martin.

AN ACT

To amend Act No. 149, H. 441, approved June 29, 1951 (Acts of Alabama 1950-51, vol. I, p. 383), an act relating to the powers, duties, and compensation of the court of county commissioners of Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 149, H. 441, approved June 29, 1951 (Acts of Alabama 1950-1951, vol. I, p. 383), an act relating to the powers, duties, and compensation of the the chairman and members of the court of county commissioners of Greene County, is hereby amended to read as follows:

“Section 5. The Court of County Commissioners of Greene County may employ such number of clerks as may be considered necessary for the transaction of the court's business, and may fix their compensation and provide for the payment thereof from the county treasury; but all questions involving the appointment, tenure, and compensation of clerical personnel of the court shall be decided by unanimous vote of all the members elected to the court and concurrence by the chairman or presiding judge thereof.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:14 A.M.

Act No. 133

H. 117—Martin.

AN ACT

To repeal Act No. 644, H. 1098, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 975), entitled "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than twelve thousand five hundred nor more than fifteen thousand, according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 644, H. 1098, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 975), entitled "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than twelve thousand five hundred nor more than fifteen thousand, according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961.

Time: 10:15 A.M.

Act No. 134

H. 118—Martin.

AN ACT

To repeal Act No. 369, H. 847, approved August 21, 1953 (Acts of Alabama 1953, vol. I, p. 439), entitled "An Act to provide clerical assistance to courts of county commissioners, boards of revenue or other governing bodies in counties having a population of not less than 16,450 nor more than 17,500."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 369, H. 847, approved August 21, 1953 (Acts of Alabama 1953, vol. I, p. 439), entitled "An Act to provide clerical assistance to courts of county commissioners, boards of revenue or other governing bodies in counties having a population of not less than 16,450 nor more than 17,500," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:16 A.M.

Act No. 135

H. 58—Bishop.

AN ACT

Relating to cities which, according to the 1950 decennial census of the population of the United States, came within the purview of Act No. 214, S. 169, Acts of Alabama of 1953, page 281, approved July 21, 1953.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city which, according to the 1950 decennial census of the population of the United States, came within the purview of Act No. 214, S. 169, Acts of Alabama of 1953, page 281, approved July 21, 1953, entitled "An Act Relating to cities having a population of not less than 10,000 nor more than 12,000 inhabitants, according to the 1950 or any subsequent decennial census of the population of the United States; changing the time and method of electing and fixing the term of office of members of the board of commissioners of any such city" and which, according to the 1960 decennial census of the population of the United States, is no longer within the population classification established in said act, shall continue to have a commission form of government unless said commission form of government is abandoned as provided by Title 37, Chapter 4, Article 3 of the Code of Alabama of 1940, as amended.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:08 A.M.

Act No. 136

H. 56—Phillips.

AN ACT

Relating to counties having a population of not less than seventeen thousand eight hundred (17,800) nor more than eighteen thousand seven hundred (18,700) inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than seventeen thousand eight hundred (17,800) nor more than eighteen thousand seven hundred (18,700) inhabitants according to the 1960 or any subsequent decennial census of the United States.

Section 2. Each member of the jury commission in every such county shall be paid the sum of ten dollars per day for the

time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. The warrants are to be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the commission shall not exceed the sum of two hundred dollars (\$200.00) for any one year of his term.

Section 3. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:07 A.M.

Act No. 137

H. 960—Merrill, Albea.

AN ACT

To alter, rearrange, and extend the corporate limits of the City of Anniston in Calhoun County, from time to time, whenever the Board of Commissioners of the City of Anniston shall pass a resolution to the effect that the public good requires such alteration, rearrangement, and extension, and providing for an election to determine whether any such alteration, rearrangement, and extension of the corporate limits of the City of Anniston, Alabama, shall be made.

Be It Enacted by the Legislature of Alabama:

Section 1. Mode and process of extending limits and boundaries—The City of Anniston may, from time to time, extend its corporate limits in the manner set forth herein, but the provisions of this Act shall not preclude such City from extending its corporate limits in any other way or manner that may be provided by law.

Section 2. Election for extending boundaries.—Whenever the Board of Commissioners of the City of Anniston shall pass a resolution to the effect that the public good requires that certain territory (describing it) shall be brought within the limits of said City:

(1) It shall be the duty of the Chairman of the Board of Commissioners of such City to certify a copy of such resolution to the Judge of Probate of Calhoun County, and said certified resolution shall have attached thereto a plat or map of said territory, which said certified resolution and plat or map shall be filed by said Judge of Probate.

(2) Within ten days from the filing of such resolution, the Judge of Probate must make and enter an order upon the minutes of said Court, directing and ordering an election to be held by the qualified electors residing and owning real property within the territory described, not less than twenty days nor more than forty days from the date of the making of the order.

The said Judge of Probate shall give notice of the holding of such election by publication one time in a newspaper published within said City, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which such electors must reside to vote at the respective voting places, which must be within the territory proposed to be brought into said City, and such notice must give a description of the territory proposed to be annexed, and must state that a map or plat of such territory is on file in the office of said Judge of Probate, open to the inspection of the public.

(3) The Judge of Probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of said electors and must designate the boundaries within which said electors must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks, and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

(4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into said City for three months next preceding the election and who owns real estate within the boundaries of said territory may vote at such election, but must vote at the voting place designated by said Judge of Probate for electors in the territory in which he or she resides and owns real property.

(5) The election to determine whether or not the proposed territory shall be brought within the corporate limits of the City of Anniston must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided.

(6) Each such qualified elector may furnish his or her own ballot with the following words written or printed thereon: "For annexation", if he or she desires to vote in favor of annexing the territory to the City of Anniston, or "against annexation", if he or she desires to vote against annexing the territory to said City. It shall not be necessary for the ballot to be of any particular size, form, or color.

(7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election, at their respective voting places, to the said Judge of Probate, and deliver the same to the returning officer, who must at once return the same to said Judge of Probate, and the Judge of Probate must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast

at the election were "for annexation", the said Judge of Probate shall make and enter an order on the records of the said Probate Court adjudging and decreeing the corporate limits of said City to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the plat or map and all orders or decrees or judgments to be recorded in the records in his office, and from the time of entry of such order or decree such territory shall be a part of and within the corporate limits of said City. If it appears that a majority of the votes cast at the election are "against annexation", the said Judge of Probate shall make and enter an order on the records of said Court adjudging and decreeing that a majority of the votes cast at such election were cast against said territory being brought into the corporate limits of said City, and that the territory described and designated in said resolution and plat or map attached thereto shall not form a part of or be embraced in said City until it may thereafter be brought into said City as a part thereof.

(8) Said City shall pay all cost and expense incident to the election.

(9) The result of such election may be contested by any such qualified elector voting at the election and owning real property within such territory under the same provisions as are provided by general laws for contesting the election of Justice of the Peace, making said City the contestee.

(10) The plat or map filed with the certified copy of the resolution, as required herein, shall show accurately the territory proposed to be annexed or brought within the corporate limits of said City, which territory must adjoin the corporate boundary of said City. Such territory may extend to or around the corporate boundary of any other city or town, but it is not to embrace any territory within the corporate limits of another municipality.

(11) All territory brought within the corporate limits of said City under the provisions of this Act shall be subject to the laws, ordinances, resolutions, and regulations of said City, and the Board of Commissioners of said City shall have and exercise the same jurisdiction over such territory as is exercised over the other territory within the corporate limits of said City; provided, however, no property annexed to said City prior to October 1 of any given calendar year shall be subject to municipal ad valorem taxes until the next succeeding tax year after the date of the annexation; and provided further that nothing herein contained shall prevent the Board of Commissioners of said City from granting, at the discretion of said Board, the exemptions from taxation as provided and set forth

in Chapter 2 of Title 51 of the Code of Alabama of 1940, as amended.

(12) The Board of Commissioners of said City may create new wards or enlarge the wards already established in said City so as to embrace all the territory brought within the corporate limits of said City so as to afford opportunity to all persons entitled to vote at elections in the City to vote thereat.

(13) Said Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and said City shall pay all cost and expense thereof except in the case of a contest as herein provided.

Section 3. Subsequent extension of city limits.—Said City, having extended its corporate limits under the provisions of this Act or any other law, may again extend its corporate limits hereunder or under any other law authorizing an extension of corporate limits by said City.

Section 4. Citing the provisions of this Act.—In every proceeding to extend the corporate limits of said City under the provisions of this Act, the Board of Commissioners of said City shall declare in each and every resolution herein provided for and the Probate Judge of Calhoun County, Alabama, shall declare in each and every order directing and ordering an election to be held hereunder and in every notice given hereunder and in every order made and entered on the records of said Probate Court hereunder, that such resolution, order, or notice, as the case may be, is passed, given, or entered under the terms and provisions of this Act.

Section 5. Subsequent elections not held within twelve months.—After an election has been held in any territory under the provisions of this Act, no other or subsequent election shall be ordered or held for the same territory or any part thereof under the provisions of this Act within twelve months next after said election.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 3:15 P.M.

Act No. 138

H. 961—Merrill, Albea.

AN ACT

To alter, rearrange, and extend the corporate limits of the City of Anniston in Calhoun County, Alabama, so as to annex certain territory to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate limits of the City of Anniston in Calhoun County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of said City the following described territory situated in Calhoun County, Alabama, to-wit:

The Southwest Quarter of the Southwest Quarter of Section 10, Township 16, South, Range 8, East in Calhoun County, Alabama. Also, commencing at a point on the west boundary line of the Southeast Quarter of the Southwest Quarter of Section 10, Township 16, South, Range 8, East, in Calhoun County, Alabama, 420 feet north of the southwest corner of said forty; thence north along the said west boundary line of said forty to the northwest corner of said forty; thence north 87 degrees 20 minutes east along the north boundary line of said forty a distance of 567 feet to the point of intersection of the southwesterly boundary line of the Tenth Street Mountain Road with said north boundary line of said forty; thence southeasterly along the said southwesterly boundary line of said Tenth Street Mountain Road a distance of 464 feet to a point; thence southwesterly to a point 482 feet south of said north boundary line of said forty and 567 feet east of the said west boundary line of said forty; thence southerly 424 feet to a point 505 feet east of the said west boundary line of said forty; thence west and parallel with the said north boundary line of said forty a distance of 505 feet to the point of beginning.

Section 2. This Act shall become effective on the 20th day of September, 1961, provided the above-described territory has not been annexed to or brought within the corporate limits of the City of Anniston, Alabama, by said date pursuant to the terms and provisions of any other Act.

Approved August 1, 1961

Time: 3:15 P.M.

Act No. 139

H. 337—Bevill, Shumate.

AN ACT

To fix the time of holding meetings of the court of county commissioners, board of revenue, or other like governing body in all

counties having populations of not less than 51,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of every county having a population of not less than 51,000 nor more than 56,000, according to the 1960 or any subsequent federal decennial census, shall hold regular meetings of the governing body on Wednesday of each week between the hours of one o'clock p.m. and four-thirty p.m.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 3:16 P.M.

Act No. 140

H. 740—Dodd.

AN ACT

To amend further Act No. 18, S. 2, approved May 18, 1951, an act creating and establishing the Board of Revenue of Lawrence County (Acts of Alabama 1950-1951, vol. I, p. 220), in relation to the powers and duties of the board and the members and chairman thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 5, 7, 9, 10, 11, and 18 of Act No. 18, S. 2, approved May 18, 1951, an act creating and establishing the Board of Revenue of Lawrence County (Acts of Alabama 1950-1951, vol. I, p. 220), are hereby amended to read as follows:

"Section 2. For the purposes of this Act, Lawrence County is hereby divided into four subdivisions to be known as districts.

"The northeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6..

"The northwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately one (1) mile south of the line between Townships 5 and 6.

"The southeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7

and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

"The southwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately one (1) mile south of the line between Townships 5 and 6.

"The members of said board from the southeast district and the southwest district shall be elected at the general election in November, 1962, and every four years thereafter; they shall take office on the first Tuesday after the second Monday in January next following their election, and shall hold office for four years and until their successors are elected and qualified. The members of said board from the northeast district and the northwest district shall be elected at the general election in November, 1964, and every four years thereafter; they shall take office on the first Tuesday after the second Monday in January next following their election, and shall hold office for four years and until their successors are elected and qualified. It is the intention of this section that the members of said board from the four districts shall be elected for four year terms, commencing on the first Tuesday after the second Monday in January in the year following the year in which they are elected, and at said election the members of said board shall be elected at an election in which all of the duly qualified electors in Lawrence County, Alabama, shall be entitled to participate, and that two members of said board shall be elected every two years for terms of four years. All persons to be eligible to membership on said board as a member of said board from either of the four districts must be qualified voters of their respective districts and of the age of 25 years or over.

"The members of said board from said four districts shall devote their entire time to the business of the county, and shall each receive an annual salary of four thousand two hundred dollars, to be paid in monthly installments on the second Monday of each month, and said salary shall be the sole and only compensation, allowance or expense of any kind or character to be received by the members of said board. Said members shall furnish their own transportation and the expense thereof.

"A chairman of the board shall be elected at the general election in November, 1962, and every six years thereafter. He shall hold office from the first Tuesday after the second Monday in January next following his election, and until his successor is elected and qualified. He shall be entitled to receive as compensation for his services an annual salary in the sum of five thousand five hundred dollars, to be paid in equal monthly

installments on the second Monday in each month. The chairman of said board shall be at least 25 years of age, and shall be a qualified elector of Lawrence County, Alabama. The chairman shall preside at all meetings of the board when he is present, but shall not vote except to break a tie. The chairman shall write or supervise the writing of the minutes of all board meetings, and when authorized or directed by the board, shall sign for and on behalf of the county all warrants, checks, drafts, notes, bonds, contracts, or other instruments of writing drawn against the treasury of the county, or in any way binding the county to any obligation or liability.

"Section 5. Each member of the board elected from the four districts is hereby constituted and appointed supervisor of all public roads within the district in which he is elected and it shall be his duty to supervise, inspect, and superintend all work done on the public roads within his district, to appoint overseers and cause all road hands and work to be apportioned to the several roads within his district. It shall be the duty of each member of the board from the four districts of the county, in each December, to file with the records of the board a sworn statement and inventory of all the equipment, machinery and property of the county in his custody or under his control.

"Section 7. All purchases of all books, stationery, paper, blanks, blank forms, blank books, supplies, appliances, fixtures, furniture, typewriters, and all other equipment required by the probate judge, sheriff, register, clerk of the circuit court, county superintendent of education, tax collector, tax assessor, and board of revenue, or the chairman thereof, for their respective offices, and all supplies, material, appliances, equipment, machinery, lumber, tools, dynamite, grease, gasoline, fuel oil, cylinder oil, motor oil, cement, crushed stone, rock, sand, gravel, asphalt, graders, tractors, trucks, automobiles, rollers, terracing machines, rock crushers, culvert pipe, and all other road machinery, road-building appliances, equipment and materials used by any member of the board in his district, or by the board as a whole, or by the county, or any officer or agent of the county, and also supplies of any kind or description, materials, appliances, equipment, fuel and coal for the county courthouse, jail, and any other county building, and any county officer, shall be made only upon orders of the board entered upon the minutes of the board at a regular meeting of the board held on Monday in the manner hereinafter prescribed. Such orders of the board shall specify the article or articles to be purchased, the number or quantity thereof, and shall contain a specification and description thereof sufficient to enable the chairman to give the notice hereinafter required requesting bids for such article or articles. Within two days after such order of the board, that is, on or before the Wednesday following, the chairman shall

post upon a bulletin board to be situated immediately inside or outside his office in the courthouse a notice, called a purchase notice, which shall state that the board has ordered the purchase of the article or articles described in the order of the board, for delivery at a place or places to be specified in said notice, and that sealed bids therefor will be received by the board during the seven days immediately succeeding, unless the board in its order provide that a longer time be specified as the time within which bids will be received. All purchase notices shall be numbered consecutively and shall be made out in duplicate, and one copy thereof shall be retained as a permanent record and shall contain a certificate of the chairman as to the date of the posting of the other copy thereof upon the bulletin board. At the expiration of the time fixed for receiving bids, the chairman shall open the bids and shall report all bids to the board at its next meeting, and thereupon the board may either accept the lowest responsible bid and order the chairman to issue a purchase order in accordance therewith or direct the chairman to obtain other and further bids in the manner hereinabove provided. All sealed bids received by the chairman shall be opened in his office and shall be open to public inspection as opened, and the opening of bids shall commence at 10 o'clock A. M. on the Wednesday following the date on which invitations to bid were posted. All purchase orders shall be numbered consecutively and shall be made out in triplicate, and shall state the number of the purchase notice pertaining thereto, and shall contain a description of the property to be purchased, the price therefor, the place where delivery is to be made, and such other matter as the board may prescribe. One copy of said purchase order shall be delivered to the seller and one copy thereof shall be forwarded to the person who in behalf of the county is to receive the property purchased, and the other copy shall be retained with the records of the board. The person who is to receive the property purchased in behalf of the county shall upon receipt thereof, endorse upon the copy of the purchase order forwarded to him, upon a form to be prescribed by the board, the facts as to whether or not all of the property described in said purchase order was received by him, and as to the condition in which the same was received, and shall deliver said copy to the chairman within five days after the receipt of the property involved. Every claim filed against the county for the purchase price or value of any of the goods or articles hereinabove specified, shall state the number of the purchase order pertaining to said claim. Neither the chairman nor the board shall have authority to accept any bid unless at the time of accepting the same the county has funds on hand sufficient to pay for the same.

“Section 9. After the approval of this act, no lease-sale contract, or contract for the rental or hire of any of the prop-

erty mentioned in Section 7 of the act shall be made by the board, or any member thereof, unless such contract be authorized by resolution or order of the board made at a regular meeting of the board, and entered on its minutes, which resolution or order shall be made only upon the favorable vote of all members of the board. Such order or resolution of the board must have been passed before the delivery of the property involved and otherwise shall be void. Any and all lease-sale contracts, or contracts for the rental or hire of any such property, not made in conformity with the foregoing provisions shall be null and void and it shall be unlawful for a warrant to issue in payment of the rental or hire or use thereof and the said County of Lawrence shall not be liable in any form of action or suit whatsoever for the rental or hire or use of any of such property except under and by virtue of an express contract made as provided in this section.

"Section 10. Gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, may be purchased in the manner provided in Section 7 of this act, or the board may enter into contracts for the purchase of the same, which contracts shall contain such terms as the board may desire, provided that bids for such contracts shall be procured in the manner provided in Section 7 and the contracts let by the board to the lowest responsible bidder or bidders. The board may make one or several contracts for the purchase of said articles for concurrent terms, and the member of the board using or desiring any of such items may order the same from any person with whom the county has entered into a contract for the purchase of the same.

"Section 11. Each member of the board shall have authority in emergencies, and in cases where work on the roads within his district would otherwise be unduly delayed, to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the board, and without compliance with the provisions of Section 7 of this act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$100.00 in any instance. Each member of the board shall likewise have authority to have any road machinery or equipment used on the public road within his district repaired without an order of the board authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any member of the board to the contrary notwithstanding. Each member of the board making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor and from whom purchased, and the number of his district, and all such purchase orders shall be numbered con-

secutively, and one copy thereof shall be delivered to the seller, one shall be filed with the records of the board, and one shall be retained by the member of the board issuing the same, and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchase order pertaining thereto, and all such claims shall be null and void unless such purchase order shall have been duly issued.

“Section 18. Lawrence County shall not borrow any money nor shall it sell or issue any tax anticipation warrants nor pledge any future taxes without the affirmative vote of at least three of the members of the board from the four districts.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The amendments made by this Act do not affect rights and duties that mature, penalties that were incurred and proceedings that were begun before its effective date.

Approved August 1, 1961
Time: 12:31 P.M.

Act No. 141

H. 880—Hankins.

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Lamar County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Lamar County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

“1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

“2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

“3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Lamar County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Lamar County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and au-

thority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Lamar County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Any municipality in Lamar County may make engagements or commitments or undertake projects authorized under the provisions of this Constitution and amendments thereto provided any such engagement, commitment, or undertaking is first approved by a majority of the qualified electors of such municipality voting in a referendum election held for such purpose. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in

which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 27, 1961.

Passed the Senate August 1, 1961.

Act No. 142

H. 440—Albea, Merrill.

AN ACT

To amend the title and Section 1 of Act No. 491, S. 413, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 678), an Act further regulating the alteration and extension of the corporate limits and boundaries of incorporated municipalities in counties having populations of not less than 75,000 nor more than 90,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 491, S. 413, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 678) entitled "An Act Relating to counties having a population of not less than 75,000 nor more than 90,000, according to the last or any subsequent federal decennial census; further regulating the alteration and extension of the corporate limits and boundaries of incorporated municipalities in such counties," is amended to read as follows:

"An Act Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the 1960 or any subsequent federal decennial census; further regulating the alteration and extension of the corporate limits and boundaries of incorporated municipalities in such counties."

Section 2. Section 1 of Act No. 491, S. 413, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 678) is amended to read as follows:

"Section 1. This Act shall apply only in counties having populations of not less than 76,000 nor more than 96,000, according to the 1960 or any subsequent federal decennial census."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:40 A.M.

Act No. 143

H. 441—Turner.

AN ACT

To amend the title and Section 1 of Act No. 203, H. 543, approved September 30, 1959, entitled "An Act To provide for the appointment

of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county" (Acts of Alabama 1959, vol. I, p. 738).

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 203, H. 543, approved September 30, 1959 (Acts of Alabama 1959, vol. I, p. 738), entitled "An Act To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500 according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county" is amended to read as follows:

"An Act To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,700 nor more than 36,600, according to the last or any subsequent federal decennial census."

Section 2. Section 1 of Act No. 203, H. 543, approved September 30, 1959 (Acts of Alabama 1959, vol. I, p. 738) is amended to read as follows:

"Section 1. The sheriff of any county having a population of not less than 35,700 nor more than 36,600, according to the last or any subsequent federal decennial census, with the approval of the court of county commissioners, board of revenue, or other like county governing body, may appoint a part-time clerk to assist him in the performance of the duties of his office. The compensation of such clerk shall be fixed by the sheriff, with the approval of the court of county commissioners, board of revenue, or other like county governing body, at not more than one hundred seventy-five dollars per month, and shall be paid from the general fund of the county at the end of each month, on warrants drawn in the manner prescribed by law."

Section 3. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:41 A.M.

Act No. 144

H. 442—Broadfoot.

AN ACT

To regulate the compensation of members of the county board of education of Lauderdale County, superseding and repealing Act No. 667, H. 1134, approved September 20, 1957 (Acts of 1957, vol. II, p. 1012), which regulates the compensation of the members of the county board of education in counties having a population of not less than 53,000 nor more than 56,000 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of Lauderdale County shall each receive from the public school funds of the county twenty-five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the board shall not be allowed pay for more than twenty-four days in any one year. Their pay and expenses shall be paid in like manner as provided for the payment of the compensation of teachers.

Section 2. Act No. 667, H. 1134, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1012), regulating the compensation of the members of the county board of education in counties having a population of not less than 53,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census, is superseded by this Act and is hereby expressly repealed.

Approved August 1, 1961
Time: 11:42 A.M.

Act No. 145

H. 443—Broadfoot.

AN ACT

To provide for compensating the coroner of Lauderdale County on a salary basis, superseding and expressly repealing Act No. 654, H. 1049, approved September 20, 1957 (Acts 1957, vol. II, p. 996), which provides for the permissive change in the basis of compensating coroners of all counties having a population of not less than 53,000 nor more than 56,200 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Lauderdale County is hereby authorized to change the basis of compensating the coroner of such county by placing such officer on a salary of not less than six hundred (600) dollars per annum and not exceeding one thousand eight hundred (1,800) dollars per annum, to be fixed from time to time by the governing body of the county in accordance with constitutional requirements relative to compensation of elected public officials. The salary, when authorized, shall be payable in equal monthly installments out of the general fund of the county.

Section 2. Whenever the coroner of Lauderdale County is placed on a salary as herein provided, the salary shall be in lieu of all fees, commissions, percentages, and allowances prescribed by law for the performance of the duties of his office. Any fees, commissions, percentages, or allowances not payable by

the county which would be collectible for the use of the coroner but for the provisions of this Act shall be paid into the general fund of the county.

Section 3. The basis of compensating the coroner of Lauderdale County may be changed by placing such officer on a prescribed salary by duly adopted resolution of its governing body, subject to the limitations and conditions hereinabove provided in Section 1.

Section 4. Act No. 654, H. 1049, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 996) "Providing for the permissive change in the basis of compensating coroners of all counties having a population of not less than 53,000 nor more than 56,200 inhabitants, according to the last or any subsequent federal decennial census, authorizing the governing body of all such counties to place such officers on a salary in lieu of all fees, commissions, percentages and allowances prescribed by law for the performance of such duties; prescribing that such salary shall be paid out of the general fund of the county," is superseded by this Act and is hereby expressly repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 11:43 A.M.

Act No. 146

H. 446—Rogers.

AN ACT

To regulate the compensation of bailiffs for the grand jury and bailiffs actually serving in court in every county having a population of not less than 25,750 nor more than 27,000, according to the last or any subsequent decennial census of the population of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Bailiffs for the grand jury and bailiffs actually serving in court in every county having a population of not less than 25,750 nor more than 27,000 inhabitants, according to the 1960 or any subsequent decennial census of the United States, may receive not more than six dollars a day for every day they serve as such, the exact compensation to be fixed at the discretion of the governing body of the county. The compensation of bailiffs in such counties shall be paid out of the county

treasury on the certificate of the presiding judge showing that the bailiff's service was necessary.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:44 A.M.

Act No. 147

H. 447—Rogers.

AN ACT

To repeal Act No. 500, H. 935, approved September 3, 1953, which regulated the compensation of members of the jury commission in all counties having a population of not less than 26,550 nor more than 26,900.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 500, H. 935, approved September 3, 1953 (Acts of Alabama 1953, Volume I, p. 632) entitled "An Act relating to counties having a population of not less than 26,550 nor more than 26,900 inhabitants, according to the 1950 or any subsequent decennial census of the United States; regulating the compensation of members of jury commissions in such counties," is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961.

Time: 11:45 A.M.

Act No. 148

H. 463—Trimmier.

AN ACT

To provide that the laws governing the County wide Civil Service System of Mobile County shall apply to the position of Chief Clerk, unclassified, in the office of Tax Collector of Mobile County and to provide for the person holding the position of Chief Clerk, to be placed on the employment roster of the Civil Service System of Mobile County and be placed in the proper class and salary level.

Be It Enacted by the Legislature of Alabama:

"Section 1. That the laws governing the County wide Civil Service System of Mobile County shall apply to any person holding the position of unclassified Chief Clerk in the office of the Tax Collector of Mobile County."

"Section 2. That the person holding the position of unclassified Chief Clerk in the office of the Tax Collector of

Mobile County on the effective date of this Act shall be placed forthwith in the classified service of the County wide Civil Service System of Mobile County without any examination by the Civil Service System. Providing, however, that such person must have before the effective date of this Act passed a Civil Service examination and held a position of Clerk III or higher in the Classified service of Mobile County Civil Service System."

"Section 3. In placing any person so affected by the provision of this Act upon the employment roster of the classified service of the County wide Civil Service System of Mobile County such position shall be allocated to the appropriate class to reflect recognition of the fact that such position exceeds in authority and responsibility of any other position under the authority of the Tax Collector of Mobile County, and be paid a salary within the minimum and maximum of the range provided such classification."

"Section 4. That all laws or parts of laws general or local in conflict with this Act are hereby repealed."

"Section 5. This act shall become effective October 1st next after its passage and approval."

Approved August 1, 1961

Time: 11:46 A.M.

Act No. 149

H. 476—Gilchrist, Brewer.

AN ACT

To alter, rearrange and redefine the boundaries of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality all of the territory described therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby altered, rearranged, redefined and extended so as to include the following described property, situated in Morgan County, Alabama, to-wit: Beginning at the Southwest corner of Section 7, Township 5 South, Range 4 West and running thence North along the West line of said Section 7 to the point where said line intersects the 556 foot contour line of Wheeler Reservoir of the Tennessee River; thence in a Southeasterly direction (up stream) along said 556 foot contour line to a point which is due North of T.V.A. Property Marker No. 57; thence South to T.V.A. Property Marker No. 57; thence S 55 degrees 57 minutes W 930 feet more or less to the Northeast corner of the T.V.A. sub-station lot (which point is also at the end of the Southerly line of Market Street NE); thence S 0 degrees 45 minutes W along

the East line of said T.V.A. sub-station lot 450 feet to the Southeast corner thereof; thence N 88 degrees 45 minutes W along the South line of said T.V.A. sub-station lot 410.41 feet to the Southwest corner thereof; thence S 0 degrees 45 minutes W 1597.67 feet; thence S 88 degrees 45 minutes E 267.86 feet; thence S 0 degrees 45 minutes W 1365.13 feet to the point where the Easterly line of 21st Avenue SE intersects the Northerly line of 8th Street SE; thence S 88 degrees 45 minutes E along the Northerly line of 8th Street SE 150.00 feet; thence S 0 degrees 45 minutes W, continuing along the Northerly margin of 8th Street SE 9.93 feet; thence S 88 degrees 45 minutes E along the Northerly line of 8th Street SE to the point where the line between Lot 8 and Lot 9 of Wilder Place, as shown by the map or plat thereof of record in the Office of the Judge of Probate of Morgan County, Alabama, extended North, would intersect the Northerly line of 8th Street SE; thence in a Southerly direction to a point on the Southerly line of 8th Street SE which is the corner between Lot 8 and Lot 9 of said Wilder Place; thence continuing in a Southerly direction along the line between Lots 8 and 9 and Lots 16 and 17 of said Wilder Place to a point which is 150 feet North of the Northerly line of Harrison Street SE; thence East along a line parallel with Harrison Street SE to a point on the East line of said Lot 16 of said Wilder Place; thence in a Southerly direction along said line 150 feet to a point on the Northerly line of Harrison Street SE; thence in an Easterly direction along the Northerly line of Harrison Street SE to the point where said line intersects the Easterly line of 24th Avenue SE; thence in a Southerly direction along the Easterly line of 24th Avenue SE to a point which is 330 feet Northerly from the intersection of said line with the Northerly line of 13th Street S.E.; thence in an Easterly direction parallel with 13th Street S.E., 100 feet; thence in a Southerly direction parallel to 24th Avenue S.E., 339.41 feet to a point on the Northerly line of 13th Street S.E.; thence continuing in an Easterly direction along the Northerly line of 13th Street SE to the point where said line intersects the East line of Section 28, Township 5 South, Range 4 West; thence South along said line to T.V.A. Property Marker No. 71; thence S 89 degrees 00 E 1333 feet to T.V.A. Property Marker No. 70; thence S 0 degrees 45 minutes E to a point on the 556 foot contour line on the Westerly bank of Flint Creek Embayment thence in a general Southerly and Westerly direction along said 556 foot contour as it meanders up stream along the Westerly bank of Flint Creek Embayment to a point due East of T.V.A. Property Marker No. 30; thence West to T.V.A. Property Marker No. 30, which is a point on the Southerly line of Alabama Highway No. 67; thence in a Southeasterly direction along the Southerly line of Alabama Highway No. 67 to the point where said line intersects the East line of Section 4,

Township 6 South, Range 4 West; thence South along the East line of said Section 4, Township 6 South, Range 4 West and the East line of Section 9, Township 6 South, Range 4 West to the Southeast corner of the North one-half of said Section 9, Township 6 South, Range 4 West, thence West along the South line of the North one-half of said Section 9, Township 6 South, Range 4 West and along the South line of the North one-half of Section 8, Township 6 South, Range 4 West to the Southwest corner of said North one-half of said Section 8, Township 6 South, Range 4 West; thence North along the West line of said Section 8, Township 6 South, Range 4 West to the Northwest corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8, Township 6 South, Range 4 West; thence East along the North line of said S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 8, Township 6 South, Range 4 West to the point where said line intersects the Westerly right-of-way line of the Louisville and Nashville Railroad; thence in a Northerly direction along said railroad right-of-way line to the point where the North boundary line of Davis and Randall Addition, as the same is shown by the map or plat of record in the Office of the Judge of Probate of Morgan County, Alabama, extended to the West would intersect the Westerly right-of-way line of the L & N Railroad (said North line of Davis and Randall Sub-division, and the extension thereof, being further described as a line parallel with and 4522 feet North of the South line of the NW $\frac{1}{4}$ of Section 8, Township 6 South, Range 4 West); thence East along said line to the point where said line intersects the West right-of-way line of U. S. Highway No. 31; thence North along the West right-of-way line of said U. S. Highway No. 31 to a point 422.4 feet North of the point where the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 5 South, Range 4 West intersects the West right-of-way line of said U. S. Highway No. 31, and which said point is the Southeast corner of the Wilkerson-Garth land; thence West along a line parallel with the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 5 South, Range 4 West 400 feet to the Southwest corner of the said Wilkerson-Garth tract of land; thence North along the West boundary of said Wilkerson-Garth land 199 feet to a point on the South boundary of the land of Rosie Houston; thence East along the South line of said Rosie Houston land 47 feet to the Southwest corner of the Shug Malone property; thence North along the East boundary of said Rosie Houston land to the North line of the SW $\frac{1}{4}$ of said Section 32, Township 5 South, Range 4 West; thence West along said line to the Southwest corner of Lot 12 of the Echols and Falk Sub-division as the same is shown by the map or plat thereof of record in the Office of the Judge of Probate of Morgan County, Alabama; thence North along the West line of Lots 12, 7 and 6 of said Echols and Falk Sub-division to the Southwest corner of Lot 1 of said Echols and Falk Sub-division; thence

West along the South line of Lots 2 and 3 of said Echols and Falk Sub-division to the Southwest corner of said Lot 3, which is a point on the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 32, Township 5 South, Range 4 West; thence North along said line to the North line of said Section 32, Township 5 South, Range 4 West; thence West along said Section line to the Northwest corner of said Section 32, Township 5 South, Range 4 West; thence South along the Section line to the intersection with the West right-of-way line of the L. & N. Railroad; thence Northwest along said right-of-way line to a point 517.39 feet South of the North boundary of said Section 31; thence West a distance of 1092.53 feet to the West boundary of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31; thence North along said West boundary to the North boundary of said Section 31; thence West along said line to the Northeast corner of the W $\frac{1}{2}$ of Section 31, Township 5 South, Range 4 West; thence South along said line to a point on the North line of Section 6, Township 5 South, Range 4 West; thence West along said line to a point 247.5 feet East of the Northwest corner of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence South along a line parallel with and 247.5 feet East of the West line of E $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West to a point on the North line of the S $\frac{1}{2}$ of said Section 6, Township 6 South, Range 4 West; thence East along said line to the Southwest corner of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence North to the Northwest corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence East to the Northwest corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence South to the Southwest corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence East to the Southeast corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence South to the Southeast corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6, Township 6 South, Range 4 West; thence West 410 feet; thence South along a line parallel with and 410 feet West of the East line of said Section 6, Township 6 South, Range 4 West to a point on the South line of said Section 6, Township 6 South, Range 4 West; thence West along said line to the Northeast corner of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, Township 6 South, Range 4 West; thence South along the East line of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 7, Township 6 South, Range 4 West to the Southeast corner of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 7, Township 6 South, Range 4 West; thence West along South line of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 7, Township 6 South, Range 4 West and along the South line of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 5 West to the center of the NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 5 West; thence South to the Southeast corner of the

SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12, Township 6 South, Range 5 West; thence West to the Southwest corner of NW $\frac{1}{4}$ of said Section 12, Township 6 South, Range 5 West; thence North along the West line of said Section 12, Township 6 South, Range 5 West to a point which is 110 feet South of the Northeast corner of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West; thence West to a point on the Easterly line of Danville Road; thence in a Northerly direction along the Easterly line of said Danville Road to the point where said line intersects the North line of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence West along said line to the Northwest corner of the East 15 acres of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence South along the West line of the East 15 acres of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West to the South line of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence West along said line to a point which is 440 feet East of the Southwest corner of said N $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence North 990 feet; thence East 220 feet, more or less, to the east line of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence North along said line to the South line of Section 2, Township 6 South, Range 5 West; thence East along said line to the Southeast corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence North 429 feet; thence east to a point on the Westerly line of Danville Road; thence in a Northerly direction along Danville Road to a point due East of a point 976.87 feet North of the Southwest corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence West to a point on the west line of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, Township 6 South, Range 5 West; thence South along said line to the Northeast corner of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence West along said line to the West line of SE $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence South along said line and along the West line of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West to the North line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence East along said line to a point which is the Northwest corner of the East 15 acres of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West; thence South along the West line of said East 15 acres of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ to the South line of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West; thence West along said line to a point 210 feet East of the Southwest corner of said N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence South along a line parallel with and 210 feet East of the West line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of

said Section 11, Township 6 South, Range 5 West 331 feet; thence West 210 feet to the West line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West; thence South along said line to a point 66 feet North of the Southeast corner of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West; thence West along a line parallel with and 66 feet North of the South line of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West to a point on the West line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence North along said line to a point which is 295 feet South of the Northwest corner of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence East 295 feet; thence North 295 feet to a point on the North line of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence East along said line to a point which is 823 feet West of the Northeast corner of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence North 417 feet; thence East 418 feet to a point which is 405 feet West of the East line of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West; thence North along a line parallel with and 405 feet West of the East line of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, Township 6 South, Range 5 West to a point on the South line of Section 2, Township 6 South, Range 5 West; thence West along said line to the Southeast corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence North to the Northeast corner of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2, Township 6 South, Range 5 West; thence West to the Northwest corner of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 6 South, Range 5 West; thence South to the South line of said Section 3, Township 6 South, Range 5 West; thence West along said line to the Northwest corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 5 West; thence South to the Southwest corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence East to a point on the Easterly line of the Chapel Hill Road; thence in a Southwesterly direction along the Easterly line of Chapel Hill Road to the point where said line intersects the North line of the SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence East to the Northeast corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence South to the Southeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence West to a point 412.5 feet West of the Northeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence South along a line parallel with and 412.5 feet West of the East line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West, to a point 105 feet North of the South line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West; thence West along a line parallel with and 105 feet North of the South

line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10, Township 6 South, Range 5 West, 420 feet; thence South 105 feet, to a point on the South line of said Section 10, Township 6 South, Range 5 West; thence West along said line to the Southwest corner of Section 10, Township 6 South, Range 5 West; thence North along the West line of Section 10, Township 6 South, Range 5 West, the West line of Section 3, Township 6 South, Range 5 West and the West line of Section 34, Township 5 South, Range 5 West to the Northwest corner of the SW $\frac{1}{4}$ of said Section 34, Township 5 South, Range 5 West; thence West along the South line of the NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 5 West to the Southwest corner of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 33, Township 5 South, Range 5 West; thence North along the West line of said E $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 33, Township 5 South, Range 5 West to the Northwest corner of said E $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 33, Township 5 South, Range 5 West; thence East along the North line of said Section 33, Township 5 South, Range 5 West to the point where said line intersects the Easterly line of the old Decatur-Moulton Road; thence in a Northeasterly direction along the Easterly line of said old Decatur-Moulton Road to the point where said line intersects the East line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, Township 5 South, Range 5 West; thence South along said line to the Southeast corner of said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West; thence East along the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West to the Northeast corner of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West; thence South to the Southeast corner of the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West; thence East to the center of the said Section 26, Township 5 South, Range 5 West; thence North to the Northwest corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West; thence East to the center of the NE $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West; thence North along the West line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 26, Township 5 South, Range 5 West and along the West line of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 23, Township 5 South, Range 5 West, to the point where the West line of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 23, Township 5 South, Range 5 West intersects the Easterly line of the Old Decatur-Moulton road; thence in a northeasterly direction along the Easterly line of said Old Decatur-Moulton road to the point where said line intersects the East line of the W $\frac{1}{2}$ of Section 24, Township 5 South, Range 5 West; thence North along said line to the point where said line intersects the North line of Alabama Highway No. 24; thence West along said line 469.92 feet; thence North 565 feet, more or less, to a point on the North line of 1st Street N.W. if extended West; thence East along said line to a point on the East line of the W $\frac{1}{2}$ of

Section 13, Township 5 South, Range 5 West; thence North along said line to the point where said line intersects the southerly right-of-way line of the Southern Railway; thence in an easterly direction along the southerly right-of-way line of said Southern Railway to the point at which the easterly line of Lot No. 1 of the L. W. Norton Sub-division, a map of which is on file in the office of the Judge of Probate of Morgan County, Alabama, would intersect the same if extended south; thence north along the Easterly line of said Lot No. 1 if extended, to the South right-of-way line of Alabama Highway 20; thence Easterly along said South right-of-way line of Alabama Highway 20 to the point where said line intersects the North line of Section 13, Township 5 South, Range 5 West; thence easterly along the north line of said Section 13 to the point of beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND LYING IN SECTION 33, TOWNSHIP 5 SOUTH, RANGE 4 WEST:

Beginning at the point where the South line of Stratford Road intersects the East line of Section 33, Township 5 South, Range 4 West and running thence South along the East line of said Section 33 to T. V. A. Property Marker No. 72; thence West to T. V. A. Property Marker No. 73; thence South to T. V. A. Property Marker No. 74; thence continuing South to T. V. A. Property Marker No. 75; thence West to T. V. A. Property Marker No. 76 which is at a point on the westerly line of Meadowbrook Road; thence in a northwesterly direction along the westerly line of said Meadowbrook Road to a point due West of the southwest corner of Meadowbrook Farms Sub-Division; thence East to the southwest corner of said Meadowbrook Farms Sub-Division; thence continuing East along the South line of said Meadowbrook Farms Sub-Division to the southeast corner of said Meadowbrook Farms Sub-Division; thence in a northwesterly direction along the easterly line of said Meadowbrook Farms Sub-Division to the northeast corner of said Meadowbrook Farms Sub-Division, which said point is on the South line of Acrilane S.E.; thence East along the South line of Acrilane S.E. to the point where said line intersects the East line of Calumet Avenue S.E., and which said point is the southeast corner of Brookmead Sub-Division; thence North along the East line of Calumet Avenue S.E. to the point where said line intersects the South line of Pennylane S.E.; thence East along the South line of Pennylane S.E. 100 feet; thence North along the East line of Brookmead Sub-Division to the northeast corner thereof, which said point is on the South line of Stratford Road S.E.; thence East along the South line of Stratford Road S.E. to the point of beginning.

Section 2. Nothing contained in this Act shall be construed

as excluding from the corporate limits of the said City of Decatur any territory added thereto (either by annexation proceedings or Local Act) subsequent to April 14, 1961, but prior to the effective date of this Act.

Section 3. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved August 1, 1961

Time: 11:47 A.M.

Act No. 150

H. 487—Nichols.

AN ACT

To apply in all counties having a population of not less than 65,000 nor more than 95,000, according to the last or any subsequent Federal decennial census; to better secure the enforcement of laws in such counties, to further prescribe the duties of the Sheriffs and Solicitors in the enforcement of such laws and to provide for the payment of the expenses incurred in connection therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having a population of not less than 65,000 nor more than 95,000, according to the last or any subsequent Federal decennial census.

Section 2. The Sheriffs in such counties whenever directed to do so in writing by the Solicitor for the Circuit in which such counties are located, shall make special or further investigation of any alleged violations of the law in such counties and in connection therewith may incur such expenses as may be necessary.

Section 3. The expenses of such investigation or investigations when so ordered shall be paid from the County treasury upon a warrant properly drawn; and after the investigation is completed, the Sheriff shall file with the Board of Revenue or Court of County Commissioners a detailed sworn statement of his expenses incurred in accordance with this act accompanied by the written approval of the Circuit Solicitor ordering such investigation, and the Board of Revenue or Court of County Commissioners shall audit and allow so much thereof as it finds reasonably necessary. Provided, however, the total of all allowable expenses under this act shall not exceed \$1200.00 in any calendar year.

Section 4. The expenses authorized to be incurred under this act shall include but not be limited to the following: The procuring of photographs or other documentary evidence, the scientific investigation of physical evidence, the expenses incidental to autopsies, whether performed before or after burial,

the reporting and transcribing of testimony before the Grand Jury, at preliminary hearings, at the hearings of petitions for writs of habeas corpus, and the reporting and transcribing of statements of witnesses to such alleged violations of law.

Section 5. All laws or parts of laws in conflict with this act are hereby expressly repealed. Provided, however, that this act shall not be so construed as to prevent the said sheriffs from incurring and being reimbursed for expenses in connection with the performance of their duties for which they are now allowed reimbursement by law, it being the intention of this act to authorize the reimbursement of expenses incurred by said sheriff in connection with the investigation of alleged violations of the law for which no provision for reimbursement is now made by law.

Section 6. Should any part of this act be found unconstitutional or invalid, such finding shall not invalidate any other part of this act which is not otherwise invalid.

Section 7. This act shall be effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 1, 1961
Time: 12:00 Noon

Act No. 151

H. 492—Callahan, Ferguson.

AN ACT

To apply in all those counties in Alabama having not less than 100,000 population and not more than 115,000 population according to the latest or any subsequent Federal Decennial Census, and further regulating and prescribing the qualifications of persons engaging in the Bail Bond business in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all those counties in Alabama having a population of not less than 100,000 according to the latest or any subsequent Federal Decennial Census and not more than 115,000 population according to such census.

Section 2. In all such counties coming within the purview of this act, any person wishing to become a professional Bail Bondsman may do so by filing a list of his assets and his liabilities with the Sheriff of such county and upon a certification by the Sheriff that his net worth is above \$25,000.00 then the Probate Judge shall issue such person a license as a professional Bail Bondsman upon his payment to the Probate Judge of \$75.50, \$50.00 of which shall be for use of the State and \$25.00 shall be for use of the County, and .50c shall be for issuance fee.

Section 3. All laws and parts of laws in conflict herewith in so far as they are in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961

Time: 12:01 P.M.

Act No. 152

H. 494—Callahan, Ferguson.

AN ACT

To amend the title and Section 1 of Act No. 21, Second Special Session 1955, approved March 23, 1955 (Acts of Alabama 1955, Vol. I, p. 130), an Act relating to the establishment of branch banks in counties having populations of not less than 94,000 nor more than 135,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 21, Second Special Session 1955 (Acts of Alabama 1955, vol. I, p. 130), entitled "An Act To permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than One Million Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 94,000 inhabitants nor more than 135,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks," is amended to read as follows:

"An Act to permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than One Million Dollars and situated in Counties having a population according to the 1960 or any subsequent decennial census of the United States of not less than 100,000 inhabitants nor more than 115,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking trust business, by and with the written consent of the State Superintendent of Banks."

Section 2. Section 1 of Act No. 21, Second Special Session 1955, approved March 23, 1955 (Acts of Alabama 1955, vol. I, p. 130), is amended to read as follows:

"Section 1. This Act shall apply in, and only in, Counties having a population of not less than 100,000 inhabitants nor more than 115,000 inhabitants, according to the 1960 or any subsequent decennial census of the United States."

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby expressly repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:02 P.M.

Act No. 153

H. 495—Callahan, Ferguson.

AN ACT

To amend the title and Section 1 of Act No. 441, H. 1013, approved September 6, 1957 (Acts of Alabama 1957, vol. I, p. 605), an Act further providing for municipal tax assessments for property annexed to municipalities in counties having populations of not less than 94,000 and not more than 134,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 441, H. 1013, approved September 6, 1957 (Acts of Alabama 1957, vol. I, p. 605), entitled "An Act To apply only in those counties having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to further provide for municipal tax assessments for property annexed to municipalities in such counties," is amended to read as follows:

"An Act To apply only in those counties having populations of not less than 100,000 and not more than 115,000 according to the 1960 or any subsequent Federal decennial census and to further provide for municipal tax assessments for property annexed to municipalities in such counties."

Section 2. Section 1 of Act No. 441, H. 1013, approved September 6, 1957 (Acts of Alabama 1957, vol. I, p. 605) is amended to read as follows:

"Section 1. This Act shall apply only in those counties of Alabama having populations of not less than 100,000 and not more than 115,000, according to the 1960 or any subsequent Federal decennial census."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:03 P.M.

Act No. 154

H. 496—Callahan, Ferguson.

AN ACT

To amend the title and Section 1 of Act No. 713, H. 1145, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1109), an Act providing for the payment of an expense allowance to members of the county governing body, other than the chairman or president thereof, of any county having a population of not less than 94,000 nor more than 134,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 713, H. 1145, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1109) entitled, "An Act To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent federal decennial census," is amended to read as follows:

"An Act To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the 1960 or any subsequent federal decennial census."

Section 2. Section 1 of Act No. 713, H. 1145, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1109) is amended to read as follows:

"Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury in the amount of One Hundred Dollars per month, on vouchers or warrants drawn in the manner prescribed by law for the payment of his compensation."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:04 P.M.

Act No. 155

H. 497—Callahan, Ferguson.

AN ACT

To amend the title and Section 1 of Act No. 683, H. 1086, approved September 20, 1957 (Acts of Alabama, 1957, vol. II, p. 1030), an Act providing further for extending the corporate limits and boundaries of incorporated municipalities in counties having populations of not less than 94,000 nor more than 135,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 683, H. 1086, approved September 20, 1957 (Acts of Alabama, 1957, vol. II, p. 1030), entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 135,000, according to the last or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties," is amended to read as follows:

"An Act Relating to counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties."

Section 2. Section 1 of Act No. 683, H. 1086, approved September 20, 1957 (Acts of Alabama, 1957, vol. II, p. 1030), is amended to read as follows:

"Section 1. This Act shall apply only in counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:05 P.M.

 Act No. 156

H. 378—Bishop.

AN ACT

Relating to cities having a commission form of government and a population of not less than 13,200 nor more than 15,600 inhabitants, according to the 1960 or any subsequent decennial census of the population of the United States; changing the time and method of electing, amending and fixing the term of office of members of the board of commissioners of any such city.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city having a population of not less than 13,200 nor more than 15,600 inhabitants, according to the 1960

or any subsequent decennial census of the population of the United States, and having a commission form of government, the members of the Board of Commissioners shall be elected for three year terms, with one commissioner being elected each year to hold office for a term of three years from the first Monday in October of said year and until his successor shall be elected and qualified for office. A commissioner shall be elected on the third Monday in September of each year, beginning with the year 1961.

Section 2. The three places on the Board of Commissioners of any city coming within the purview of this act shall be known and designated as President of the Commission, Police Commissioner and Commissioner of Streets. Every candidate for election to membership on the board shall, in announcing his candidacy, designate the place for which he is a candidate; and the ballots to be used in the election shall be prepared accordingly.

Section 3. The terms of office of two of the present commissioners of any city coming within the purview of this act shall be and are hereby amended, with the term of office of the commissioner who has served as a commissioner for the longest continuous period of time being amended so that his term of office will expire on the first Monday in October 1963, and the term of office of the commissioner who has served as a commissioner for the second longest continuous period of time being amended so that his term of office will expire on the first Monday in October 1962. The commissioner, whose term is amended so that it will expire on the first Monday in October of 1963, will be known and designated as the President of the Commission and the commissioner whose term is amended so that it will expire on the first Monday in October of 1962 will be known and designated as the Police Commissioner.

Section 4. In any city coming within the purview of this act the place on the Board of Commissioners known and designated as Commissioner of Streets shall be filled by the election held in 1961, and every three years thereafter; the place on the Board of Commissioners known and designated as Police Commissioner shall be filled by the election held in 1962, and every three years thereafter; and the place on the Board of Commissioners known and designated as President of the Commission shall be filled by the election held in 1963, and every three years thereafter.

Section 5. All of the provisions of Title 37, Chapter 4, Article 1, Code of Alabama of 1940, as amended, shall apply to any city coming within the purview of this act except where such provisions are in conflict with the provisions of this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 11:05 A.M.

Act No. 157

H. 400—Copeland, Hanby.

AN ACT

To repeal Act No. 428, H. 866, approved August 27, 1953, an act relating to the appointment, compensation, duties and authority of deputy circuit solicitors in certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 528).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 428, H. 866, approved August 27, 1953, entitled "An Act To provide for the appointment of deputy circuit solicitors for all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census, regulating their compensation and prescribing their duties and authority" (Acts of Alabama 1953, vol. I, p. 528), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:20 A.M.

Act No. 158

H. 399—Copeland, Hanby.

AN ACT

To fix the compensation of the coroner in any county in Alabama having a population of not less than 96,000 nor more than 106,000 according to the last or any subsequent decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in any county in Alabama having a population of not less than 96,000 nor more than 106,000 according to the last or any subsequent decennial federal census shall be paid a salary of two hundred dollars (\$200) per month out of the general fund of the county on a warrant drawn upon the general funds of the county by the court of county commissioners, board of revenue or other governing body of the county. Such salary shall be all of the compensation and fees that the coroner of such county shall draw for his services.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:19 A.M.

Act No. 159

H. 405—Hanby, Copeland.

AN ACT

To repeal Act No. 478, H. 1070, approved November 19, 1959, an act relating to the compensation of special bailiffs in the circuit courts of certain counties classified on a population basis (Acts of Alabama 1959, vol. II, p. 1197).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 478, H. 1070, approved November 19, 1959, entitled "An Act To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1197), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:25 A.M.

Act No. 160

H. 406—Hanby, Copeland.

AN ACT

To repeal Act No. 714, H. 1148, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1110), Act No. 737, S. 548, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1158), as amended, both of which acts provide further for the operation of the county board of equalization in certain counties classified on a population basis, and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 714, H. 1148, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1110) and Act No. 737, S. 548, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1158), as amended, each of which acts is entitled "An Act Providing further for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census; further regulating the term of service, compensation, and expense allowance of the members of the board; making further provision in regard to the office space and office fixtures and supplies of the board; and providing for the employment of a secretary-appraiser by the board

and other employees of the board," and all acts amendatory thereof, are hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:26 A.M.

Act No. 161

H. 407—Hanby, Copeland.

AN ACT

To authorize the county governing bodies of all counties having populations of not less than 96,000 nor more than 106,000 according to the last or any future regular decennial federal census to provide for the use of paper ballots or ballot boxes as well as voting machines at voting places in the county where voting machines are used, at any primary, municipal or general election.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama recognizes and finds that in all counties having populations of not less than 96,000 and not more than 106,000 according to the last or any future regular decennial federal census the exercise of the right to vote by qualified voters are hampered and restricted in those voting places where voting machines are used because of inadequate facilities and congestion in such polling places.

Section 2. Each county governing body in all such counties may in its discretion provide for the use of paper ballots or ballot boxes together with voting machines at voting places in the counties where voting machines are used in any primary, municipal or general election.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:27 A.M.

Act No. 162

H. 408—Hanby, Copeland.

AN ACT

To repeal Act No. 294, H. 813, approved August 26, 1955, an act providing an assistant coroner for certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 690).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 294, H. 813, approved August 26, 1955

entitled "An Act To provide an assistant coroner for counties having a population of not less than 80,000 nor more than 94,000 inhabitants according to the last or any subsequent federal census" (Acts of Alabama 1955, vol. I, p. 690), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:28 A.M.

Act No. 163

H. 409—Hanby, Copeland.

AN ACT

To regulate further the county courts of all counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census.

Section 2. The constable or bailiff elected or appointed to serve the processes of the county courts in all counties in which this Act applies shall have all the powers and authority of a deputy sheriff, and may execute warrants of arrest, search warrants, and other mesne and final process in civil and criminal cases.

Section 3. When any execution issued against the defendant by the county court of any county in which this Act applies is returned "no property found", execution shall be issued against the plaintiff for the costs accrued at his instance, such execution to be collected and returned as other executions issued by the court.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:29 A.M.

Act No. 164

H. 410—Hanby, Copeland.

AN ACT

To repeal Act No. 296, H. 521, approved August 5, 1953, an act regulating the compensation of members and clerks of jury commissions in certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 358).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 296, H. 521, approved August 5, 1953, entitled "An Act Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the 1950 or any subsequent federal decennial census; regulating the compensation of members and clerks of jury commissions in such counties." (Acts of Alabama 1953, vol. I, p. 358), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:30 A.M.

Act No. 165

H. 411—Hanby, Copeland.

AN ACT

Relating to the issue and return of executions in justice of the peace courts, or other courts of like jurisdiction, in counties having a population of not less than 96,000 inhabitants nor more than 106,000 inhabitants according to the last or any subsequent decennial census of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 96,000 inhabitants nor more than 106,000 inhabitants, according to the last or any subsequent decennial census of the United States.

Section 2. After the lapse of five days and before the expiration of ninety days from rendition of judgment by a justice of the peace, or other courts of like jurisdiction, in any such county, if an appeal is not taken, the justice, or clerk of court, unless otherwise directed, must issue a writ or fieri facias for the satisfaction of the judgment, which must be signed by him, dated on the day it was issued, and made returnable not less than twenty nor more than sixty days from the date of its issue, and alias writs shall be made returnable in like manner. But in the event that the plaintiff or the plaintiff's attorney makes request of such justice or clerk that such writ be issued, then the writ must be issued within five days after such request.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961
Time: 11:31 A.M.

Act No. 166

H. 412—Hanby, Copeland.

AN ACT

To repeal Act No. 458, H. 877, approved September 9, 1955, an act authorizing chief clerks and assistant clerks in the circuit court and a chief clerk in the county court of each of certain counties classified on a population basis (Acts of Alabama 1955, vol. II, p. 1045).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 458, H. 877, approved September 9, 1955, entitled "An Act Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census, authorizing the governing body of every such County to provide for a Chief Clerk and assistant Chief Clerk in the Circuit Court and for a Chief Clerk in the County Court of the County" (Acts of Alabama 1955, vol. II, p. 1045), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 11:32 A.M.

Act No. 167

H. 413—Hanby, Copeland.

AN ACT

To provide for the appointment and tenure and number, and fixing the compensation, of bailiffs for circuit courts of Alabama in circuits having two circuit judges composed of one county having populations of not less than 96,000 people nor more than 116,000 people according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. That for circuit courts of Alabama in circuits composed of one county and having two circuit judges each judge shall have the power and authority to appoint one bailiff who shall receive a salary of four thousand (\$4,000.00) dollars per annum, and which salary shall be payable in twelve equal monthly installments out of the county treasury of the county composing such circuit upon warrant of the presiding officer of the governing body of such county. Each such bailiff shall serve at the pleasure of the judge so appointing him. The bailiffs appointed by such judges hereunder shall be in lieu of bailiffs provided by any other law of Alabama.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. That this act shall become effective August 1, 1961.

Section 4. This act shall not apply in any county having a population of 116,000 or more people, according to the last or any subsequent federal decennial census, nor to any county having a population less than 96,000 people according to such census.

Approved August 1, 1961
Time: 11:33 A.M.

Act No. 168

H. 55—Phillips.

AN ACT

To regulate the payment of compensation of fire wardens in counties having a population of not less than 17,800 nor more than 18,700 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of fire wardens in counties having a population of not less than 17,800 nor more than 18,700 inhabitants, according to the last or any subsequent federal decennial census, shall be paid out of the county highway and transportation funds, the provisions of any other law to the contrary notwithstanding.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10:06 A.M.

Act No. 169

H. 482—Smith (Russell).

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 788, which relates to the levy of the state use tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 788, as amended, is amended further to read as follows:

“Section 788. (a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property purchased at retail on or after the first day of October 1959, for storage, use or other consumption in this

state at the rate of three percent of the sales price of such property, except as provided in subsections (b) and (c).

“(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1959, at the rate of one and one-half percent of the sales price of any such machine; **provided**, that the term ‘machines’, as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automobile vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this Article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 791 of this Title, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.”

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 11:48 A.M.

Act No. 170

H. 225—Nichols, Camp.

AN ACT

To repeal Act No. 115, S. 87, First Special Session 1956, approved February 14, 1956 (Acts of Alabama, Special Sessions 1956, p. 172), entitled "An Act Relating to counties having a population of not less than 63,750 people, nor more than 68,000 people, according to the last Federal decennial census or any subsequent Federal decennial census; providing for the nomination and election and terms of office of the members and chairman of the County Board of Education."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 115, S. 87, First Special Session 1956, approved February 14, 1956 (Acts of Alabama, Special Sessions 1956, p. 172), entitled "An Act Relating to counties having a population of not less than 63,750 people, nor more than 68,000 people, according to the last Federal decennial census or any subsequent Federal decennial census; providing for the nomination and election and terms of office of the members and chairman of the County Board of Education," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:36 A.M.

Act No. 171

H. 226—Nichols, Camp.

AN ACT

To repeal Act No. 98, S. 148, Regular Session 1955, approved June 29, 1955 (Acts of Alabama 1955, vol. I, p. 343), entitled "An Act To fix the compensation of the superintendent of education in all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 98, S. 148, Regular Session 1955, approved June 29, 1955 (Acts of Alabama 1955, vol. I, p. 343), entitled "An Act To fix the compensation of the superintendent of education in all counties having a population of not less than 63,750 nor more than 72 750 inhabitants, according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:37 A.M.

Act No. 172

H. 483—Smith (Russell).

AN ACT

To amend further Section 2 of the Act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented" (Act No. 100, H. 94, Second Special Session 1959).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 100, H. 94, Second Special Session 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented" as amended, is amended further to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to three percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10c) per sale, and the person

operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10c) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

“(b) Upon every person, firm, or corporation engaged, or continuing within this state, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to three percent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; **provided**, that the term ‘machines,’ as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one and one-half per cent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer.

“Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades,

as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 11:49 A.M.

Act No. 173

H. 152—Roberts, Reynolds (Madison).

AN ACT

To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the jury commissions of all counties having populations of not less than 115,000 nor more than 165,000, according to the 1960 or any subsequent federal decennial census, shall each receive compensation on the same per diem basis as prescribed in Code of Alabama 1940, Title 30, Section 12, as amended by an act approved September 17, 1953, but the maximum amount payable to each member shall not exceed 900 dollars per annum.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:30 A.M.

Act No. 174

H. 153—Roberts, Reynolds (Madison).

AN ACT

To amend Act No. 402, H. 901, approved August 16, 1949 (Acts of Alabama 1949, page 574) which provided for the election, qualification and tenure of members of the County Board of Education of Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 402, H. 901, approved August 16, 1949, entitled "An Act Relating to Madison County:

To provide for the election, qualification, and tenure of members of the County Board of Education of Madison County, Alabama" (Acts of Alabama 1949, page 574), is amended to read as follows:

"Section 2. Upon the expiration of the term of any member of the Board of Education, his successor shall be elected by the qualified electors of Madison County who reside outside the corporate limits of any city having a city board of education. The electors of any city having a city board of education shall not have the right to vote in elections for members of the Board of Education of Madison County.

"Section 3. To qualify for election to the Board of Education a candidate must possess the qualifications required of members by Chapter 5, Title 52, Code of Alabama (1940), and must reside and be a qualified elector in the district which he proposes to represent if elected; but no resident of a city having a city board of education shall be eligible for appointment or election to the board."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 10:31 A.M.

ActNo. 175

H. 336—Shumate, Bevill.

AN ACT

To amend the title and Section 1 of Act No. 463, H. 986, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1053), an act relating to the territorial limits of the police jurisdiction outside the corporate limits of cities in all counties having populations of not less than 63,750 nor more than 72,750.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title to Act No. 463, H. 986, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1053), entitled "An Act relating to cities and towns in counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census; providing that the territorial limits of the police jurisdiction outside the corporate limits of any such city or town shall not be extended or changed by altering, extending, or rearranging the boundary lines or corporate limits of the city or town through the annexation of adjoining territory" is amended to read as follows:

"An Act relating to cities and towns in counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census; providing that the territorial limits of the police jurisdiction outside the corporate limits of any such city or town shall not be extended or changed by altering, extending, or rearranging the boundary lines or corporate limits of the city or town through the annexation of adjoining territory."

Section 2. Section 1 of Act No. 463, H. 986, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1053) is amended to read as follows:

"Section 1. This Act shall apply only to the cities and towns in counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:54 A.M.

Act No. 176

H. 338—Shumate, Bevill.

AN ACT

To repeal Act No. 667, H. 1134, approved September 20, 1957, (Acts of Alabama 1957, vol. II, p. 1012), an act regulating the compensation of the members of the county board of education in counties having populations of not less than 53,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 667, H. 1134, approved September 20, 1957, entitled "An Act regulating the compensation of the members of the county board of education in counties having a population of not less than 53,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census," (Acts of Alabama, Regular Session 1957, vol. II, p. 1012) is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:55 A.M.

Act No. 177

H. 339—Shumate, Bevill.

AN ACT

To repeal Act No. 115, S. 87, approved February 14, 1956, First Special Session 1956 (Acts of Alabama 1956, p. 172), an act relating to

the election of the chairman and members of the county board of education in all counties having populations of not less than 63,750 nor more than 68,000, and to repeal Act No. 44, S. 33, approved March 28, 1956, Second Special Session 1956 (Acts of Alabama 1956, p. 337), an act relating to the election of the chairman and members of the county board of education of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 115, S. 87, approved February 14, 1956, First Special Session 1956 (Acts of Alabama 1956, p. 172), entitled "An Act relating to counties having a population of not less than 63,750 people, nor more than 68,000 people, according to the last Federal Decennial census or any subsequent Federal decennial census; providing for the nomination and election and terms of office of the members and chairman of the County Board of Education," and Act No. 44, S. 33, approved March 28, 1956, Second Special Session 1956 (Acts of Alabama 1956, p. 337), entitled "An Act to provide for the election of the Chairman and members of the County Board of Education of Walker County," are hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:56 A.M.

Act No. 178

H. 340—Bevill, Shumate.

AN ACT

To amend the title and Section 1 of Act No. 486, H. 944, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 670), an act providing further for paid leaves of absence for certain employees of counties having populations of not less than 63,750 nor more than 72,750.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 486, H. 944, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 670), entitled "An Act to provide further for paid leaves of absence for certain employees of counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census" is amended to read as follows:

"An Act to provide further for paid leaves of absence for certain employees of counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census."

Section 2. Section 1 of Act No. 486, H. 944, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 670) is amended to read as follows:

"Section 1. The board of revenue, court of county commissioners, or other like governing body of any county in the State having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall have the power and authority to grant vacation leave of absence or sick leave, with pay, to employees of the county, in addition to any vacation leave of absence or sick leave heretofore provided by law. Such vacation leave of absence or sick leave shall be granted in accordance with the rules and regulations duly promulgated and adopted by the governing body of the county. It is provided, however, that no county employee shall be granted any leave with pay for more than two weeks in any one year; but each county employee can combine his one week of vacation leave with his seven days sick leave which is granted annually by the county and may use the total two weeks leave as a vacation or as sick leave. Neither vacation or sick leave shall be accumulated from year to year."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:57 A.M.

Act No. 179

H. 342—Shumate, Bevill.

AN ACT

To amend the title and Section 1 of Act No. 686, H. 1094, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1037), an act further defining the police jurisdiction of certain incorporated municipalities situated in counties having populations of not less than 63,750 nor more than 72,750.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 686, H. 1094, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1037), entitled "An Act relating to counties having a population of not less than 63,750 nor more than 72,750, according to the last or any subsequent federal decennial census; further defining the police jurisdiction of certain incorporated municipalities situated in such counties" is amended to read as follows:

"An Act relating to counties having populations of not less than 51,000 nor more than 56,000, according to the 1960 or any subsequent federal decennial census; further defining the police jurisdiction of certain incorporated municipalities situated in such counties."

Section 2. Section 1 of Act No. 686, H. 1094, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1037) is amended to read as follows:

"Section 1. Whenever the corporate limits of any two incorporated municipalities situated in any county having a population of not less than 51,000 nor more than 56,000, according to the last or any subsequent federal decennial census, are so situated that the police jurisdictions, as such jurisdiction is defined by general law, of such municipalities overlap, the police jurisdiction of each such municipality shall extend, at all points in the area in which such overlapping would occur, no further than to a point equidistant between the corporate limits of such municipalities."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:58 A.M.

Act No. 180

H. 343—Bevill, Shumate.

AN ACT

To repeal Act No. 82, H. 324, approved June 24, 1959 (Acts of Alabama 1959, vol. I, p. 491), an act relating to the regulation of barbers and barber colleges in all counties having populations of not less than 53,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 82, H. 324, approved June 24, 1959, entitled "An Act to define, regulate, and license barbers and barber colleges and other like businesses in all counties having a population of not less than 53,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census; to create a barbers' commission for each county to which the Act applies; to fix the powers and duties of the commissions; and to prescribe penalties," (Acts of Alabama 1959, vol. I, p. 491) is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:59 A.M.

Act No. 181

H. 344—Shumate, Bevill.

AN ACT

To provide that the county governing bodies in all counties having populations of not less than 51,000 nor more than 56,000 be authorized and empowered in their discretion to pay each employee of such counties employed by the county governing body of any such county, at the rate of his regular daily wage or salary, during the time that such employee is sick or ill or unable to work. Provided, however, no such employee shall be paid for more than ten days' time in the aggregate during any

one calendar year in which he is unable to work on account of sickness or illness.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 51,000 nor more than 56,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The boards of revenue, boards of county commissioners or other like governing bodies of the counties to which this Act shall apply are authorized or empowered in their discretion to pay at the rate of his regular daily wage or salary each of the employees of such counties employed by any such governing body for each day that such employee is sick or ill or unable to work. Provided, however, no such employee shall be paid for more than ten days' time in the aggregate that he is unable to work on account of sickness or illness during any one calendar year. Such payments shall not be obligatory, but shall be paid by the county governing bodies in their discretion.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:00 A.M.

Act No. 182

H. 345—Bevill, Shumate.

AN ACT

To apply in all counties having populations of not less than 51,000 nor more than 56,000; providing for the payment of salaries to coroners, prescribing additional duties for coroners, fixing their compensation, providing for the payment thereof, authorizing and directing the county governing body in each such county to provide the coroner with office space, certain equipment, furniture, supplies and services at the expense of the county; superseding and expressly repealing Act No. 433, H. 638, approved July 6, 1945 (General Acts of Alabama 1945, p. 679), Act No. 442, H. 935, approved August 23, 1949 (Acts of Alabama 1949, p. 651), Act No. 222, H. 680, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 532) and Act No. 654, H. 1049, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 996).

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having populations of not less than 51,000 nor more than 56,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The coroner of each county to which this Act shall apply shall, in addition to the duties now required by law to be performed by him, be required: (a) to assist the Circuit Court Solicitor of the county in making investigations of homicides, to report such investigations to the Solicitor and to be

subject to the direction of the Solicitor in making such investigations; (b) to make investigations in all cases of death of persons in the county where the persons dying were not attended by a physician, and to file death certificates of such deaths with the county health officer.

Section 3. As compensation to the coroner of each county to which this Act shall apply, for the additional duties imposed upon him by this Act and for all other duties imposed upon him by law he shall be paid a salary out of the general funds of the county in the sum of One Thousand Eight Hundred (\$1800.00) Dollars per annum, payable in equal monthly installments.

Section 4. The court of county commissioners, board of revenue or like governing body of each county to which this Act shall apply shall furnish to the coroner, at the expense of the county, such office equipment and supplies, including a two-way automobile radio and a suitable camera with flash equipment and the necessary supplies to operate the camera and radio, and office space, filing cabinets, chairs, desks, telephones, typewriters, stationery, stamps and telegraph service, as may be required by him in discharging the duties of his office. All payments shall be made out of the general fund of the county, upon requisition of the coroner containing a certificate executed by him that such equipment, furniture, supplies, or services were required by him in discharging the duties of his office.

Section 5. All laws or parts of laws which conflict with this Act are repealed. Act No. 433, H. 638, approved July 6, 1945 (General Acts of Alabama 1945, p. 679), entitled "An Act to provide for the payment of salaries to coroners in all counties in the State of Alabama having a population according to the last Federal census of not less than 63,750 nor more than 66,000 and to prescribe additional duties for such coroners and fix their compensation and to provide for the payment thereof," Act No. 442, H. 935, approved August 23, 1949 (Acts of Alabama 1949, p. 651), entitled, "An Act to require the coroner of Walker County, Alabama, to investigate all cases of death in instances where persons die in said county without having been attended by a physician and to file certificates of death with the health officer of Walker County, Alabama, and to prescribe the compensation of the coroner and the manner of its payment," Act No. 222, H. 680, approved August 8, 1955 (Acts of Alabama 1955, vol. I, page 532), entitled "An Act to apply in all counties having a population of not less than 63,700 nor more than 70,000, according to the last or any subsequent federal decennial census; authorizing and directing the county governing body to provide the coroner with office space, certain equipment, furniture, supplies, and services at the expense of the county,"

and Act No. 654, H. 1049, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 996), entitled, "An Act providing for the permissive change in the basis of compensating coroners of all counties having a population of not less than 53,000 nor more than 56,200 inhabitants, according to the last or any subsequent federal decennial census; authorizing the governing body of all such counties to place such officers on a salary in lieu of all fees, commissions, percentages and allowances prescribed by law for the performance of such duties; prescribing that such salary shall be paid out of the general fund of the county," are superseded and expressly repealed.

Section 6. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:01 A.M.

Act No. 183

H. 364—Merrill, Albea.

AN ACT

Authorizing the establishment of branch banks in counties having populations of not less than 76,000 nor more than 96,000.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties having a population of not less than 76,000 nor more than 96,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. Any bank, whether incorporated or unincorporated, within this State, now or hereafter having a combined paid-in capital and paid-in or earned surplus of at least six hundred thousand dollars and situated in the county shall have power to establish, maintain and operate within the limits of the county, wherein the principal place of business of such bank is situated, one or more branch banks, branch offices, branch agencies, additional officer or branch places of business for the receipt of deposits, and payment of checks, provided that such bank before the establishment of any such branch or branches, first secures the written consent thereto of the State Superintendent of Banks. It is provided further, however, that no bank shall establish, maintain and operate such a branch within any incorporated municipality in the county in which a bank is already established, other than the municipality in which its principal place of business is situated.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 11:02 A.M.

Act No. 184

H. 365—Albea, Merrill.

AN ACT

To amend the title and Section 1 of Act No. 492, S. 414, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 681), relating to immediate operation of the laws and ordinances of any city or town as to territory annexed to such city or town in counties having a population of not less than 75,000 nor more than 90,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 492, S. 414, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 681), entitled "An Act Relating to counties having a population of not less than 75,000 nor more than 90,000 according to the last or any subsequent federal decennial census; providing that the territory annexed to any city or town in such counties shall be subject immediately to all its laws and ordinances, and that its governing body shall have the same jurisdiction over such territory, including the authority to levy and collect taxes therein, as is exercised over all other territory within the corporate limits of the city or town," is amended to read as follows:

"An Act Relating to counties having populations of not less than 76,000 nor more than 96,000 according to the 1960 or any subsequent federal decennial census; providing that the territory annexed to any city or town in such counties shall be subject immediately to all its laws and ordinances, and that its governing body shall have the same jurisdiction over such territory, including the authority to levy and collect taxes therein, as is exercised over all other territory within the corporate limits of the city or town."

Section 2. Section 1 of Act No. 492, S. 414, approved September 10, 1957 (Acts of Alabama 1957, vol. I, p. 681) is amended to read as follows:

"Section 1. Whenever proceedings to extend the corporate limits of any city or town situated in any county having a population of not less than 76,000 nor more than 96,000, according to the 1960 or any subsequent federal decennial census, are complete, all territory thereby brought within the corporate limits of such city or town shall be subject immediately to all laws and ordinances of such city or town, and its governing body shall have and exercise the same jurisdiction over such terri-

tory, including the authority to levy and collect taxes therein, as is exercised over all other territory within the corporate limits of the city or town."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:03 A.M.

Act No. 185

H. 368—Woodrow Albea, Merrill.

AN ACT

To provide clerk-hire allowances for certain officers of all counties having populations of not less than 75,000 nor more than 96,000; to authorize the county governing bodies in said counties to provide clerk-hire allowances for the offices of Judge of Probate, Sheriff, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, and Solicitor of the Seventh Judicial Circuit; superseding and expressly repealing Act No. 544, S. 481, approved September 9, 1953 (Acts of Alabama 1953, vol. II, p. 758) and Act No. 66, H. 55, approved February 7, 1956 (Acts of Alabama 1956, p. 99).

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 75,000 nor more than 96,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. The governing body of any county in which this Act applies is hereby authorized and empowered to expend from the general fund of the county, in addition to all other sums now provided by law, for the efficient operation of the offices of Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Clerk and Register of the Circuit Court, and Solicitor of the Seventh Judicial Circuit, and for increasing the salaries or compensation of the clerks, deputies, and assistants and for employing additional help in said offices, any amounts deemed to be reasonable and necessary by the said county governing body.

Section 3. Act No. 544, S. 481, approved September 9, 1953. (Acts of Alabama 1953, vol. II, p. 758), entitled "An Act To provide clerk-hire allowances for certain officers of all counties having a population of not less than 75,000 nor more than 90,000, according to the last or any subsequent federal decennial census," and Act No. 66, H. 55, approved February 7, 1956 (Acts of Alabama 1956, p. 99), entitled "An Act Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide clerk-hire allowances for the offices of Judge of Probate, Sheriff, Tax Collector, Tax Assessor and Clerk of the Circuit Court," are hereby superseded and expressly repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:04 A.M.

Act No. 186

H. 384—Copeland, Hanby.

AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000 inhabitants; providing for the furnishing of equipment, supplies, clerks, deputies and other assistants for certain county officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 96,000 nor more than 106,000 inhabitants according to the 1960 census, or any subsequent decennial census of the United States is required, authorized and empowered to provide sufficient equipment, supplies, clerks, deputies and other assistants to the probate judge, the tax assessor, the tax collector, the clerk of the circuit court, and the register of the circuit court for the efficient operation of their respective offices; but said probate judge, tax assessor, tax collector, clerk of the circuit court, and the register of the circuit court shall select, and fix the compensation of, such clerks, deputies and assistants for their respective offices; provided, however, that the combined salaries or compensation of said clerks, deputies and assistants in each of said offices shall not exceed an amount deemed to be reasonable and necessary by said governing body for the efficient operation of each of said offices. Said allowances for salaries or compensation shall be fixed by Resolution of said governing body, and may be changed at any time by similar Resolution.

Section 2. The probate judge, tax assessor, tax collector, clerk of the circuit court and register of the circuit court shall have the right to discharge their respective clerks, deputies, and assistants at will, as they shall serve only at the pleasure of the officer appointing them. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of the county, upon the separate warrants drawn in the same manner as other employees of the county are paid.

Section 3. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:06 A.M.

Act No. 187

H. 385—Copeland, Hanby.

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the last or any subsequent federal decennial census; authorizing the governing body of every such county to purchase such uniforms as the governing body deems necessary for the use of the uniformed personnel, deputies and other employees of the sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, or other governing body of every county in the State having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized to purchase such uniforms as the governing body may deem necessary for the use of the uniformed personnel, deputies and other employees of the sheriff of such county. Such uniforms as may be purchased shall be paid for out of the general funds of the county.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:07 A.M.

Act No. 188

H. 386—Copeland, Hanby.

AN ACT

To repeal Act No. 635, H. 479, approved September 15, 1953, an act relating to the issue and return of executions in justice of the peace courts or other courts of like jurisdiction in certain counties classified on a population basis (Acts of Alabama 1953, vol. II, p. 890).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 635, H. 479, approved September 15, 1953, entitled "An Act Relating to the issue and return of executions in justice of the peace courts, or other courts of like jurisdiction, in counties having a population of not less than 80,000 inhabitants nor more than 94,000 inhabitants according to the last or any subsequent decennial census of the United States" (Acts of Alabama 1953, vol. II, p. 890), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:08 A.M.

Act No. 189

H. 388—Copeland, Hanby.

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the last or any subsequent federal decennial census, authorizing the governing body of every such county to provide for a chief clerk and assistant chief clerk in the circuit court and for a chief clerk in the county court of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body in every county of the state having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized to provide for a chief clerk and assistant chief clerk in the circuit court and for a chief clerk in the county court of such county, and other assistants necessary for the proper and efficient operation of the clerk's office for said courts.

Section 2. All laws and parts of laws, general and local which conflict with this act are repealed.

Section 3. This act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:09 A.M.

Act No. 190

H. 389—Copeland, Hanby.

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the 1960 or any subsequent federal decennial census; regulating the compensation of members and clerks of jury commissions in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in but only in counties having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. Each member of the jury commission of any county coming within the purview of this act shall be paid ten dollars per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury; but no member shall be paid more than twelve hundred dollars for any year of his term.

Section 3. The clerk of the jury commission of any county coming within the purview of this act shall be paid seven dollars

and fifty cents per day while actually engaged in performing his duties, to be paid out of the county treasury upon order of the chairman or president of the jury commission.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:10 A.M.

Act No. 191

H. 390—Copeland, Hanby.

AN ACT

To repeal Act No. 499, S. 542, approved August 22, 1951, an act providing for the furnishing of equipment, supplies, clerks, deputies and other assistants for certain county officers in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 499, S. 542, approved August 22, 1951, entitled "An Act Relating to counties having populations of not less than 80,000 nor more than 94,000 inhabitants; providing for the furnishing of equipment, supplies, clerks, deputies and other assistants for certain county officers in such counties" (Acts of Alabama 1950-1951, vol. I, p. 892), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:11 A.M.

Act No. 192

H. 391—Copeland, Hanby.

AN ACT

To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The special bailiffs summoned to serve in the circuit courts as provided by Section 186 of Title 13, Code 1940, as amended, in all counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census, shall each be paid seven dollars and fifty cents (\$7.50) for each day he serves. His compensation shall be paid out of the county treasury on the certificate of the presiding judge showing that the bailiff's service was necessary.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:12 A.M.

Act No. 193

H. 392—Copeland, Hanby.

AN ACT

To repeal Act No. 738, S. 387, approved September 20, 1957, an act regulating further the purchasing practices of certain counties classified on a population basis (Acts of Alabama 1957, vol. II, p. 1159).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 738, S. 387, approved September 20, 1957, entitled "An Act To regulate further the purchasing practices of counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 1159), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:13 A.M.

Act No. 194

H. 393—Copeland, Hanby.

AN ACT

To repeal Act No. 27, S. 22, approved March 23, 1956, an act regulating further the county courts of certain counties classified on a population basis (Acts of Alabama Special Sessions 1956, p. 297).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 27, S. 22, approved March 23, 1956, entitled "An Act To regulate further the county courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census" (Acts of Alabama Special Session 1956, p. 297), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:14 A.M.

Act No. 195

H. 394—Copeland, Hanby.

AN ACT

To provide an assistant coroner for counties having a population of not less than 96,000 nor more than 106,000 inhabitants according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 96,000 nor more than 106,000 inhabitants according to the last or any subsequent federal census, the coroner shall have the power to appoint an assistant coroner. The assistant coroner shall serve at the pleasure of, and be responsible to the coroner, shall have the same powers as the coroner, and shall receive a salary of fifty dollars (\$50.00) per month to be paid in the same manner as the salaries of other county officers and employees are paid.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:15 A.M.

Act No. 196

H. 395—Copeland, Hanby.

AN ACT

To repeal Act No. 445, H. 139, approved August 17, 1951, an act authorizing the county governing bodies of certain counties classified on a population basis to provide for the use of paper ballots or ballot boxes as well as voting machines (Acts of Alabama 1950-1951, vol. I, p. 798).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 445, H. 139, approved August 17, 1951, entitled "An Act To authorize the county governing bodies of all counties having a population of not less than 80,000 nor more than 94,000 inhabitants according to the last or any future regular decennial Federal Census to provide for the use of paper ballots or ballot boxes as well as voting machines at voting places in the county where voting machines are used, at any primary, municipal or general election" (Acts of Alabama 1950-1951, vol. I, p. 798) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:16 A.M.

Act No. 197

H. 414—Hanby, Copeland.

AN ACT

To repeal Act No. 109, H. 362, approved June 30, 1955, an act relating to authorization of the purchase of uniforms for certain employees of the sheriff in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 354).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 109, H. 362, approved June 30, 1955, entitled "An Act Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census; authorizing the governing body of every such county to purchase such uniforms as the governing body deems necessary for the use of the uniformed personnel, deputies and other employees of the sheriff of the county" (Acts of Alabama 1955, vol. I, p. 354), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:34 A.M.

Act No. 198

H. 415—Hanby, Copeland.

AN ACT

To repeal Act No. 134, H. 524, approved July 12, 1957, an act relating to appointment, tenure, number and compensation of bailiffs in certain circuits composed of one county classified on a population basis (Acts of Alabama 1957, vol. I, p. 182).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 134, H. 524, approved July 12, 1957, entitled "An Act To provide for the appointment and tenure and number and fixing the compensation, of Bailiffs for Circuit Courts of Alabama in Circuits having two Circuit Judges composed of one County having a population of not less than 94,000 people nor more than 135,000 people according to the last or any subsequent Federal decennial census" (Acts of Alabama 1957, vol. I, p. 182), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:35 A.M.

Act No. 199

H. 416—Hanby, Copeland.

AN ACT

To repeal Act No. 232, H. 333, approved July 17, 1951, an act to prohibit the probate judge in certain counties classified on a population basis from charging certain fees or compensation. (Acts of Alabama, vol. I, p. 502).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 232, H. 333, approved July 17, 1951, entitled "An Act To prohibit the probate judge in all counties having a population of not less than 80,000 and not more than 94,000 from charging or collecting any fee or compensation for administering an oath or taking or acknowledging an affidavit; and repealing conflicting laws" (Acts of Alabama 1950-1951, vol. I, p. 502), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:36 A.M.

Act No. 200

H. 417—Hanby, Copeland.

AN ACT

To regulate further the purchasing practices of counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any competitive bidding requirements imposed by law upon the court of county commissioners, boards of revenue or like governing body of any county having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census, in regard to the making of purchases for the county, the court of county commissioners, board of revenue or like governing body of the county shall not be required to post any notice or publish any advertisement in connection with any proposed purchase of repair parts and equipment for rolling stock where there is only one supplier of the commodity to be purchased, and where such purchase is made in an emergency situation, as determined by a majority of the members of the county governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:37 A.M.

Act No. 201

H. 424—Adams.

AN ACT

To repeal Act No. 444, H. 924, approved November 13, 1959, entitled "An Act to provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1134).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 444, H. 924, approved November 13, 1959, entitled "An Act to provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50 000 nor more than 54,000, according to the most recent federal decennial census," (Acts of Alabama 1959, vol. II, p. 1134) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:38 A.M.

Act No. 202

H. 398—Copeland, Hanby.

AN ACT

To relieve certain county officials of the duty of visiting voting places and precincts in the performance of their official duties; to apply in but only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor, the tax collector, the clerk of the jury commission, and members of the board of registrars in each county are relieved of the duty of visiting voting places and precincts in the performance of their official duties.

Section 2. This Act shall apply in but only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal census.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective August 1, 1961.

Approved August 1, 1961
Time: 11:18 A.M.

Act No. 203

H. 397—Copeland, Hanby.

AN ACT

To repeal Act No. 228, H. 338, approved July 17, 1951, an act relating to relief of certain county officials of the duty of visiting voting places and precincts in the performance of their official duties in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 500).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 228, H. 338, approved July 17, 1951, entitled "An Act To relieve certain county officials of the duty of visiting voting places and precincts in the performance of their official duties; to apply in but only in counties having a population of not less than 80,000 nor more than 94,000 according to the most recent federal census" (Acts of Alabama 1950-1951, vol. I, p. 500) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 11:17 A.M.

Act No. 204

H. 243—Callahan.

AN ACT

For the relief of Leonard Channell, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Leonard Channell for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Eighteen Hundred and No/100 (\$1800.00) Dollars, for the relief of Leonard Channell, and to compensate him for damages for an injury inflicted upon him on the 29th day of October, 1957, wherein there was a defect in a county road causing the said Leonard Channell to wreck his automobile and to sustain injuries to his person.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to the said Leonard Channell.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1961
Time: 10:38 A.M.

Act No. 205

H. 652—Guthrie.

AN ACT

To alter or rearrange the boundary line of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Hanceville, Cullman County, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Hanceville, Alabama, and in addition thereto the following described territory, to-wit:

Beginning at a point where the East Right of Way Line of U.S. Highway No. 31 intersects Mud Creek, thence southerly along said Right of Way line to the South line of Section 28, Township 11 South, Range 2 West, thence East along the South line of Section 28, to the West Right of Way line of L & N Railroad; thence Northerly along west Right of Way line of said Railroad to the North line of Section 28, Township 11, South, Range 2 West. Said strip of land lying in Section 28, Township 11, South, Range 2 West, in Cullman County, Alabama.

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 12:30 P.M.

Act No. 206

H. 401—Copeland, Hanby.

AN ACT

To prohibit the probate judge in all counties having a population of not less than 96,000 and not more than 106,000 from charging or collecting any fee or compensation for administering an oath or taking or acknowledging an affidavit; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less

than 96,000 and not more than 106,000 according to the last or any subsequent federal census, the probate judge shall not charge or collect any fee or compensation for administering an oath or taking or acknowledging an affidavit, or for taking an acknowledgment. The probate judge shall not be held liable for failing to charge or collect any such fee or compensation.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 11:21 A.M.

Act No. 207

H. 402—Hanby, Copeland.

AN ACT

To repeal Act No. 423, H. 867, approved August 27, 1953, an act fixing the compensation of the coroner in certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 524).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 423, H. 867, approved August 27, 1953, entitled "An Act To fix the compensation of the coroner in any county in Alabama having a population of not less than 80,000 nor more than 94,000 according to the last or any subsequent decennial federal census" (Acts of Alabama 1953, vol. I, p. 524), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 11:22 A.M.

Act No. 208

H. 403—Hanby, Copeland.

AN ACT

To provide for the appointment of deputy circuit solicitors for all counties having populations of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census, regulating their compensation and prescribing their duties and authority.

Be It Enacted by the Legislature of Alabama:

Section 1. With the approval of the court of county commissioners, board of revenue, or like county governing body, the solicitor of the circuit court for any county having a population of not less than 96,000 nor more than 106,000, according

to the last or any subsequent federal decennial census, is authorized and empowered to appoint one deputy in addition to the deputy heretofore provided for by law, whose compensation shall be fixed by the court of county commissioners, board of revenue, or like county governing body, and shall be paid out of the county treasury. Such deputy shall serve at the pleasure of the solicitor.

Section 2. The deputy solicitor herein provided for shall represent the state in all cases in the county court and inferior courts and perform all the duties of the circuit solicitor when so directed by him. When authorized by the solicitor, he shall serve as legal counsel for any county officer in any litigation affecting such officer which arose in connection with his actions in his official capacity.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 1, 1961
Time: 11:23 A.M.

Act No. 209

H. 404—Hanby, Copeland.

AN ACT

To repeal Act No. 314, S. 322, which became an act on August 31, 1955 without approval of the Governor, an act relating to the feeding of prisoners in jail in certain counties classified on a population basis (Acts of Alabama 1955, vol. II, p. 714).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 314, S. 322, which became an act on August 31, 1955 without approval of the Governor, entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1955, vol. II, p. 714), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 11:24 A.M.

Act No. 210

H. 164—Jones (Monroe).

AN ACT

To provide for and regulate the compensation of county engineers

of all counties having populations of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The county engineer appointed by the court of county commissioners, board of revenue, or other like governing body of the county in any county having a population of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census, shall be paid an annual salary not to exceed eight thousand dollars, to be fixed by the appointing authority, which shall be payable in equal monthly installments from county road and highway funds.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:32 A.M.

Act No. 211

H. 166—Jones (Monroe).

AN ACT

To provide clerical assistance for clerks of circuit courts of all counties having populations of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of any county having a population of not less than 22,350 nor more than 24,350, according to the 1960 or any subsequent federal decennial census, may employ one clerk-typist to assist him in the clerical work of his office. The clerk-typist shall serve at the pleasure of the circuit clerk, but his compensation shall be prescribed by the court of county commissioners, board of revenue, or other like governing body of the county, at an amount not exceeding two hundred dollars a month. The compensation or salary of the clerk shall be paid from the general fund of the county in equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 10:34 A.M.

Act No. 212

H. 165—Jones (Monroe).

AN ACT

To apply in all counties having a population of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief clerk of the judge of probate in every county having a population of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census, shall be entitled to a salary of not more than three hundred fifty dollars a month, which shall be fixed and determined by the court of county commissioners, board of revenue, or other like governing body of the county, and shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect August 1, 1961.

Approved August 1, 1961.

Time: 10:33 A.M.

Act No. 213

H. 167—Jones (Monroe).

AN ACT

To authorize and direct the board of education of any county having a population of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census, to reimburse the county superintendent of education any sums expended by him in payment of premiums on surety bonds covering certain employees of the board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of any county having a population of not less than 22,350 nor more than 24,350, according to the last or any subsequent federal decennial census, is hereby authorized and directed to draw, or cause to be drawn, a warrant, check, or other instrument on the public school funds of the county to reimburse the county superintendent of education for all sums paid out by him in payment of premiums on surety bonds covering employees of the board of education, said bonds having been made for the protection of the public school monies of the county.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961.

Time: 10:35 AM.

Act No. 214

H. 253—Ashworth.

AN ACT

To repeal Act No. 240, H. 632, approved September 30, 1959, entitled, "An Act to provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1959, vol. I, p. 789).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 240, H. 632, approved September 30, 1959, entitled, "An Act to provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census, (Acts of Alabama 1959, vol. I, p. 789) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961.

Time: 10:39 A.M.

Act No. 215

H. 254—Ashworth.

AN ACT

To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 14,300 nor more than 14,800, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body of every county in the State having a population of not less than 14,300 nor more than 14,800, according to the last or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury in the amount of one hundred dollars (\$100) per month, on warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:40 A.M.

Act No. 216

H. 274—Adams.

AN ACT

To repeal Act No. 75, H. 63, First Special Session 1959, entitled "An Act Relating to cities having a population of not less than 20,000 nor more than 22,500 inhabitants, according to the last or any subsequent federal decennial census, and operating under the commission form of government provided for by Article 1, Chapter 4, Title 37, Code of Alabama (1940), as amended; providing for and prescribing the form of government for all such cities; and prescribing penalties for violations of certain provisions of the act."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 75, H. 63, First Special Session 1959, entitled "An Act Relating to cities having a population of not less than 20,000 nor more than 22,500 inhabitants, according to the last or any subsequent federal decennial census, and operating under the commission form of government provided for by Article 1, Chapter 4, Title 37, Code of Alabama (1940), as amended; providing for and prescribing the form of government for all such cities; and prescribing penalties for violations of certain provisions of the act" (Acts of Alabama 1959, vol. I, page 127) is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961.

Time: 10:41 A.M.

Act No. 217

H. 275—Adams.

AN ACT

To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500.

Be It Enacted by the Legislature of Alabama:

Section 1. Each city having a population of not less than 30,000 nor more than 31,500 inhabitants, according to the 1960 or any subsequent federal decennial census, shall become organized under the commission form of government provided for by this act. It is provided, however, that until the first Monday in October, 1961, each city within the purview of this act shall continue to be governed under the laws applicable to its present form of government, except as otherwise provided herein. Effective on the first Monday in October, 1961, each city within the scope of this act shall be governed by a board of commissioners consisting of three members, one of whom shall be president of the board of commissioners, one associate commissioner no. 1, and one associate commissioner no. 2. The three commissioners provided for herein shall all be elected at the same elec-

tion, and shall serve for concurrent terms. The term of office of each member of the board of commissioners provided for by this act shall be four years, and until his successor is elected and qualified as hereinafter provided. The general elections for president and members of the board of commissioners provided for by this act shall be held on the first Monday in September, 1961, and each succeeding four years thereafter. The president and the associate commissioners provided for by this act shall be known collectively as "The Board of Commissioners of the City of (insert name of city)" and shall have the powers and duties hereinafter provided. The president of the board of commissioners shall be the mayor or the chief executive of the city.

Section 2. The territorial limits of each such city shall remain the same as under its former organization, except that all divisions and the wards of such municipality shall be abolished and all commissioners shall be elected at large.

Section 3. The positions held by the commissioners to be elected on the first Monday in September 1961, and every four years thereafter, shall be designated as mayor, associate commissioner no. 1, and associate commissioner no. 2. Every candidate for election to any of such offices shall, in announcing his candidacy, designate the position for which he is a candidate; and the ballots to be used at the elections shall be prepared accordingly. All persons qualified to vote in such elections shall be entitled to vote for one candidate for mayor, for one candidate for the position of associate commissioner no. 1, and for one candidate for associate commissioner no. 2. Whenever a candidate for any one of the designated positions receives a majority of all the votes cast for all candidates for that position, he shall be declared elected to the position so designated; but if no candidate for such a designated position receives a majority, the two candidates receiving the highest number of votes shall be declared eligible for a second election. Such second election, when and if necessary, shall be held on the second Monday next succeeding the date of the first election. The candidate who receives the highest number of votes in the second election shall be declared elected to such designated position. Candidates declared elected shall qualify and take office on the first Monday in October next following the election. Except as otherwise provided herein, elections of the mayor and associate commissioners provided for by this act shall be conducted in accordance with the general election laws of Alabama.

Section 4. The members of the board of commissioners provided for by this act shall be municipal officers only, and shall have, possess, and exercise the municipal powers, legislative, executive, and judicial, now or hereafter conferred upon municipalities and the governing bodies thereof. All laws governing such

cities, and not inconsistent with the provisions of this act, shall apply to and govern the city after it has become organized under the commission form of government provided by this act. All laws, ordinances, and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this act shall remain in force until altered or repealed, according to the provisions of this act. All employees of each such city and all officials except those whose terms of office may be abolished by this act shall continue in office until otherwise provided by the board of commissioners.

Section 5. Effective on the first Monday in October, 1961, the executive and administrative powers and duties in cities within the scope of this act shall be distributed into and among three departments as follows: The department of public safety, the department of public utilities and streets, and the department of accounts, finances, and public affairs. Associate commissioner no. 1 shall have charge of and supervision over the department of public safety, which shall include the fire and police departments of the city. Associate commissioner no. 2 shall have charge of and supervision over the department of public utilities and streets, which shall administer all functions of the city relative to streets, city buildings and property, parks, public improvements and public utilities; provided that in any such city having a municipal utilities board created by or under any act of the legislature of Alabama, the jurisdiction of such municipal utilities board shall not be affected by this section and the utility or utilities under the jurisdiction of such board shall continue to be operated by the board, as this section is not intended to modify or repeal any legislation creating a municipal utilities board. The mayor shall have charge of and supervision over the department of accounts, finances, and public affairs, which shall administer the functions of the city having to do with finance and taxation, accounts and accounting, budget and appropriations, and all matters pertaining to the government of such city not otherwise assigned herein to another department.

Section 6. Effective on the first Monday in October, 1961, the mayor in cities within the scope of this act shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), and each associate commissioner shall receive an annual salary of two thousand four hundred dollars (\$2,400.00). All such salaries shall be payable by the city in equal monthly installments, and at the same rate for every fraction of a year which the commissioners serve. The payment of all funds out of the treasury shall be by warrants signed by the city clerk and countersigned by the mayor, provided that during the absence of the mayor from the corporate limits of the city, and necessity therefor arising, warrants may be countersigned by one of the as-

sociate commissioners designated by the mayor to act in his stead.

Section 7. All rights, powers and property of every description which were vested in the city shall vest in it under the organization herein provided for as though there had been no change in the organization of the city; and no right or liability, either in favor of it or against it, and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act.

Section 8. Every city within the purview of this act shall be governed and managed by the board of commissioners provided for herein. Except as otherwise provided herein, each and every officer and employee of the city other than the commissioners shall be selected and employed by the board, or under its direction, and all salaries and wages paid by the city, except as otherwise provided by this act, shall be fixed by the board. The commissioners shall have the authority to create all necessary offices and shall prescribe and may at any time change the power, duties, and titles of all subordinate officers and employees of the city, including the office of city recorder, and all such officers and employees shall hold office and be removable at the pleasure of the board of commissioners, except as otherwise provided herein. It is provided, however, that all salaried officials, except members of the boards and commissioners above mentioned, and the recorder, if any, who are holding office at the time of the adoption of this form of government, under an election, appointment, or other method of selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions, and regulations which would have existed had there been no change in the government of such city. And it is provided further that if any city within the scope of this act has a merit system for the governance of its personnel, or employs a city manager for the management of its affairs, the jurisdiction, powers, duties, and operation of such merit system or city manager shall not be affected by this act, and the merit system and the city manager shall continue to function as now provided for, as this act is not intended to supersede, modify, or repeal in any manner any legislation—general, local, or special—providing a merit system or city manager for the city.

Section 9. The board of commissioners provided for by this act shall hold regular public meetings on the first and third Tuesdays of each month at some regular hour to be fixed by the board from time to time, and publicly announced by it; provided, however, that the board may by ordinance provide that it shall hold regular public meetings on Tuesday of each week, or on the second and fourth Tuesdays of each month, the time of such

meetings to be fixed by the board from time to time and publicly announced by it; and the board may hold such adjourned, called, and other meetings as may be necessary or convenient.

Section 10. The president of the board, when present, shall preside at all meetings of the board, but shall have no veto power. Two members of the board shall constitute a quorum for the transaction of all business to be done by the board, and for the exercise of any power conferred upon it; and the affirmative vote of two members of the board shall be necessary and sufficient for the passage of any resolution, by-law, or ordinance, or for the transaction of any business of any sort by the board, or for the exercise of any of the powers conferred upon it by the terms of this act, or that may hereafter be conferred upon it.

Section 11. The board may assign or delegate to one or more of its members, or to such boards, commissioners, officers, or employees as may be created or selected by it, the performance of such executive and judicial duties and powers as may be necessary or convenient, provided that such assignment or delegation is done by resolution, by-law, or ordinance, duly enacted according to the terms of this act, and according to the laws of Alabama.

Section 12. All meetings of the board at which any person not a city officer is present shall be open to the public.

Section 13. No resolution, by-law, or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, the public safety or public health, or of any other general or permanent nature, shall be enacted except at a regular or adjourned public meeting of the board.

Section 14. Every motion, resolution, or ordinance introduced at any such meeting shall be reduced to writing and read before any vote thereon shall be taken; and the yeas and nays thereon shall be recorded.

Section 15. A record of the proceedings of every such meeting shall be kept in a well bound book and shall be signed by at least two of the commissioners before the action taken at such meeting shall be effective. Every resolution and ordinance adopted by the board of commissioners shall be kept in either the same or another well bound book. All such records shall be kept available for inspection by all citizens of such city at all reasonable times.

Section 16. No resolution, by-law, or ordinance granting to any person, firm, or corporation any franchise, lease, or right to use the streets, public highways, thoroughfares, or public property of the city organized under the provisions of this act,

either in, under, upon, along, through, or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners, and publication of said resolution, by-law, or ordinance in full once a week for three consecutive weeks in some newspaper published in the city, which publication shall be made at the expense of the persons, firms, or corporations applying for the grant.

Section 17. Pending the passage of any such resolution, by-law, or ordinance, or during the time intervening between its final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of the city may by written petition or petitions addressed to the board of commissioners object to such grant, and if, during this period, such written petition or petitions signed by at least a number of qualified voters equal to four for every one hundred inhabitants of the city, or fraction thereof, according to the last federal census, shall be filed with the board of commissioners, the board shall forthwith order an election, at which the legally qualified voters of the city shall vote for or against the proposed grant as set forth in the by-law, resolution, or ordinance. In the call for the election the resolution, by-law, or ordinance making the grant shall be published at length and in full at the expense of the city in some newspaper in the city. One publication shall be sufficient for the purposes of this section.

Section 18. If at such election the majority of the votes are in favor of the ordinance and the making of the proposed grant, the same shall thereupon become effective; but if a majority of the votes so cast shall be against the passage of the resolution, by-law, or ordinance and against the making of the grant, the by-law, resolution, or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the board of commissioners, after the result of the election is determined, to pass a resolution or ordinance to that effect.

Section 19. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through or over, the streets, public highways, thoroughfares, or public property of any such city shall be made or given, nor shall any such rights of any kind whatsoever be conferred upon any person, firm or corporation, except by resolution or ordinance, duly passed by the board of commissioners at some regular or adjourned meeting, and published as above provided for; nor shall any extension or enlargement of any such rights or powers previously granted, be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same.

Section 20. Any person desiring to become a candidate at

any election which may be held under this act for the office of mayor or associate commissioner may become such candidate by filing in the office of the mayor or commission of the city, if at the first election of the commission under this act, or with the commission at any subsequent election, a statement of such candidacy, accompanied by affidavit taken and certified by the mayor or by any member of the commission, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. No person shall be eligible for such office unless he is over the age of twenty-one at the time he becomes a candidate, or unless he is qualified to vote in the election at which he shall be elected. The statement shall be filed at least twenty days before the day set for such election, and shall be substantially in the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____ in said State and County and reside at _____ in said City; that I desire to become a candidate for the office of _____ (inserting mayor, associate commissioner no. 1, or associate commissioner no. 2, as the case may be) in said City for the term of _____ years at the election to be held on the _____ day of _____; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. (signed) _____. Subscribed and sworn to before me by said _____ on this _____ day of _____, 19_____, and filed in this office for record on said day. _____ (style of officer)."

Section 21. No name shall appear upon the ballot as a candidate for election except the names of such persons as have become candidates according to the provisions hereinabove set forth; and no ballots shall be used at any such election except the official ballot prepared by the city.

Section 22. In case any person, after having been elected and duly qualified as commissioner, is declared ineligible to hold such office, a successor shall be chosen as in the case of a vacancy caused by death, resignation, or other cause.

Section 23. Every person elected to the office of commissioner in any city organized under this act, shall, on or before the first Monday of October next succeeding his election, qualify by making oath that he is eligible for the office and will execute the duties of same according to his best knowledge and ability. The oath shall be administered by the retiring mayor, or by a notary public, or by a member of the commission, and he shall give bond in the sum of five thousand dollars (\$5,000.00) payable to the city, conditioned upon the faithful performance of

his duties as commissioner, which bond shall be approved by the judge of probate of the county in which the city is located and recorded in his office, for which the judge of probate shall receive one dollar (\$1.00) to be paid by the commissioner.

Section 24. Whenever any vacancy occurs in the office of any commissioner of any city organized under this act, by death, resignation, or removal, then his successor shall be appointed by the two remaining members of the board of commissioners of such city. Every person who is appointed to the office of commissioner in any such city under the provisions of this section shall qualify for office as soon as practicable after such appointment and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification. He shall hold office for the unexpired term of his predecessor.

Section 25. The employees of cities organized under this act shall be selected by the commissioners solely on account of their fitness, and without regard to their political affiliations. It shall be unlawful to hold any party caucus or primary for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit, receive, or accept a party or caucus nomination for any office to be filled by the commissioners shall thereby be rendered ineligible for such office or for any other office under the city for a period of one year thereafter.

Section 26. It shall be unlawful for any candidate for office, or any officer in the city, directly or indirectly, to give or promise any person or persons an office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons, or for any candidate to provide or use any hacks, automobiles, or other vehicles for the purpose of transporting voters to the polls on election day.

Section 27. Every commissioner elected by popular vote in such city shall, within thirty days after qualifying, file with the judge of probate of the county his sworn itemized statement in detail of all his election and campaign expenses, and by whom such funds were contributed. The statement shall be published one time, at the expense of the city, in a newspaper of general circulation in the city.

Section 28. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or in any services to be furnished or performed, for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials, or the profits thereof, or in

any services to be furnished or performed, for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange within the territorial limits of the city.

Section 29. No commissioner or any other official of such city shall be interested in, or an employee of, any corporation operating any public service utility within such city, provided this shall not apply to any employment or interest existing at the time of the selection or election of such commissioner or other official.

Section 30. No officer or employees of the city shall accept or receive, directly or indirectly, from any person, firm, or corporation operating within the territorial limits of the city any railroad, interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm, or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected.

Section 31. The board of commissioners shall, each quarter, print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceding quarter and furnish printed copies thereof to the daily newspapers of the city, and to persons who apply therefor.

Section 32. At the end of each year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of quarterly expenditures; and the Governor may, at any time, have all the books and accounts of such city examined by a state examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Section 33. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of

influencing his vote at any election provided in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, or any person making false answer to any of the provisions of this act relative to his qualifications to vote at an election, or any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding the election, or who is not twenty-one years of age, or is not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, or any person knowingly procuring, aiding, or abetting any violation hereof, shall be deemed guilty of a misdemeanor.

Section 34. Any employee of any such city who solicits support for any candidate for mayor or associate commissioner, or any such employee who endeavors to influence any voter to vote for or against any candidate for mayor or associate commissioner, shall be deemed guilty of a misdemeanor.

Section 35. It shall be unlawful for any candidate for mayor or associate commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election day, and it shall also be unlawful for any person to accept such hire, or make such contract for pay, to solicit votes for any candidate for mayor or associate commissioner.

Section 36. Should a vacancy exist simultaneously from any cause hereinabove provided for in two commissionerships, so as to leave no quorum of said board to fill same, an election to fill the vacancies shall be called by the remaining commissioner, to be held not less than twenty nor more than thirty days from the occurrence of the second vacancy. Notice of the election and of the time of holding same shall be given by one publication at least fifteen days in advance of same in one or more newspapers in said city at the expense of said city. The commissioners chosen at this election shall qualify as speedily as possible thereafter. They shall serve for the unexpired portions of the terms of their predecessors.

Section 37. The judges of probate of the counties in which are located cities covered by this act shall record in a well-bound book, kept for that purpose, all papers required to be filed with them under this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 38. Any person wilfully violating any provision of this act relating to the commission form of government for certain municipalities shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty (50) nor more than five hundred (500) dollars, and may, at the discretion of the

court trying the case, be sentenced to hard labor for the county for a term not to exceed six months, and such offenses shall be grounds for removal from municipal office.

Section 39. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 40. All laws or parts of laws which conflict with this act are repealed.

Section 41. This act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:42 A.M.

Act No. 218

H. 313—Nichols, Torbert, Turnham.

AN ACT

To repeal Act No. 503, H. 1031, Regular Session 1959, approved November 19, 1959 (Acts of Alabama 1959, vol. II, p. 1237, entitled "An Act Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 503, H. 1031, Regular Session 1959, approved November 19, 1959 (Acts of Alabama 1959, vol. II, p. 1237), entitled "An Act Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10.43 A.M.

Act No. 219

H. 315—Nichols.

AN ACT

To repeal Act No. 391, S. 411, Regular Session 1957, approved September 4, 1957 (Acts of Alabama 1957, vol. I, p. 532), entitled "An Act Authorizing counties having a population of not less than 65,000

nor more than 75,000, according to the last or any subsequent federal decennial census, and the municipalities within such counties, either singly or jointly, to create Airport Authority Boards; providing for the selection of the members of such boards, and prescribing their qualifications, terms, and compensation; and providing for the organization, jurisdiction, powers, and duties of such boards."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 391, S. 411, Regular Session 1957, approved September 4, 1957 (Acts of Alabama 1957, vol. I, p. 532), entitled "An Act Authorizing counties having a population of not less than 65,000 nor more than 75,000, according to the last or any subsequent federal decennial census, and the municipalities within such counties, either singly or jointly, to create Airport Authority Boards; providing for the selection of the members of such boards, and prescribing their qualifications, terms, and compensation; and providing for the organization, jurisdiction, powers, and duties of such boards," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:45 A.M.

Act No. 220

H. 316—Nichols.

AN ACT

To repeal Act No. 80, H. 70, First Special Session 1959, approved February 24, 1959 (Acts of Alabama 1959, vol. I, p. 143) and Act No. 93, S. 26, First Special Session 1959, approved February 24, 1959 (Acts of Alabama 1959, vol. I, p. 153), both of which Acts are entitled "An Act To provide that the judges of probate of all counties having a population of not less than 65,000 nor more than 75,000 according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 80, H. 70, First Special Session 1959, approved February 24, 1959 (Acts of Alabama 1959, vol. I, p. 143) and Act No. 93, S. 26, First Special Session 1959, approved February 24, 1959 (Acts of Alabama 1959, vol. I, p. 153), both of which Acts are entitled "An Act To provide that the judges of probate of all counties having a population of not less than 65 000 nor more than 75,000 according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor,

(2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit," are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10.46 A.M.

Act No. 221

H. 318—Nichols.

AN ACT

To repeal Act No. 70, H. 229, Regular Session 1955, approved June 21, 1955 (Acts of Alabama 1955, vol. I, p. 308), entitled "An Act To apply in all counties having a population of not less than 65,000 nor more than 75,000 inhabitants, according to the last or any subsequent federal decennial census: To permit any bank having a combined capital and surplus of one hundred thousand dollars or more, and having an authorized office or place of business in any city or town in any such county, to establish, maintain, and operate additional offices or places of business in such county, upon obtaining the approval of the Superintendent of Banks."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 70, H. 229, Regular Session 1955, approved June 21, 1955 (Acts of Alabama 1955, vol. I, p. 308), entitled "An Act To apply in all counties having a population of not less than 65 000 nor more than 75,000 inhabitants, according to the last or any subsequent federal decennial census: To permit any bank having a combined capital and surplus of one hundred thousand dollars or more, and having an authorized office or place of business in any city or town in any such county, to establish, maintain, and operate additional offices or places of business in such county, upon obtaining the approval of the Superintendent of Banks," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 10:47 A.M.

Act No. 222

H. 314—Nichols.

AN ACT

To repeal Act No. 273, S. 269, Regular Session 1953, approved August 5, 1953 (Acts of Alabama 1953, vol. I, p. 341), entitled, "An Act To apply in but only in counties having a population of not less than 65,000 nor more than 78,000 inhabitants, according to the last or any subsequent federal decennial census; providing for the destruction of certain records of officers of such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 273, S. 269, Regular Session 1953, approved August 5, 1953 (Acts of Alabama 1953, vol. I, p. 341), entitled "An Act To apply in but only in counties having a population of not less than 65,000 nor more than 78,000 inhabitants, according to the last or any subsequent federal decennial census; providing for the destruction of certain records of officers of such counties," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:44 A.M.

Act No. 223

H. 325—Bevill, Shumate.

AN ACT

To fix the compensation of the deputies and other assistants to the sheriffs in counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The deputies and other assistants to the sheriff shall receive the following compensation: The chief deputy sheriff shall receive a salary of four thousand eight hundred dollars (\$4,800) per annum; deputies whose salaries are paid by the county shall each receive a salary of four thousand two hundred dollars (\$4,200) per annum; jailers paid by the county shall each receive an annual salary of three thousand three hundred dollars (\$3,300). The salaries of such deputies and assistants to the sheriff shall be payable in equal monthly installments out of the general funds of the county in the same manner as now prescribed by law.

Section 3. All laws or parts of laws, general, special or local, in conflict herewith are hereby repealed.

Section 4. This Act shall take effect on the first day of the month next following the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961.

Time: 10:48 A.M.

Act No. 224

H. 326—Bevill, Shumate.

AN ACT

To amend further Section 187 of Title 13, Code of Alabama 1940, in relation to the appointment and compensation of bailiffs in certain counties classified according to population.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 187, as amended, is amended further to read as follows:

“Section 187. In circuits composed of two counties, one of which has two courthouses for holding circuit court, and only one circuit judge, said judge shall have the power and authority with the approval of the governing body of such county to appoint one bailiff in the county having two courthouses, who shall receive a salary to be fixed by the presiding judge at a sum not to exceed four thousand dollars a year to be also approved by the governing body of such county to be paid monthly out of the treasury of said county as other salaries are paid, said bailiff to serve the circuit and county courts at all sessions, and if requested to do so by the sheriff to serve the sheriff of the county when not engaged in court. In circuits composed of one county having two circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary, to be fixed by the presiding judge at a sum not to exceed thirty-three hundred dollars per annum, which salary shall be payable in twelve monthly installments out of the treasury of the county composing such circuit, upon warrant of the president of the board of revenue. Provided, however, in circuits composed of one county, having two circuit judges and a county population of not less than 51,000 nor more than 56,000, according to the 1960 or any subsequent federal decennial census, each judge shall have the power and authority to appoint one bailiff who shall be paid ten dollars (\$10) a day for every day he serves. Such compensation is to be paid out of the county treasury on the certificate of the judge showing that his service was necessary. In circuits composed of one county, having three or more circuit judges, each judge of such courts shall have the power and authority to appoint one bailiff who shall receive a salary of four thousand six hundred dollars per annum, payable in equal installments, out of the treasury of the county constituting such circuit upon warrant of president or chairman of the board of revenue or of the governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the officer so appointing him. Each such bailiff appointed to serve in counties having three circuit judges shall, in addition to the duties now imposed upon him be required to wait upon all grand juries while in session, when directed by the judge so appointing him. The bailiffs appointed by the judges or by the sheriff under this

section shall be in lieu of bailiffs of said courts provided for under the preceding section. Nothing in this section or in the preceding section shall apply to circuits having more than seven judges."

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961.

Time: 10:49 A.M.

Act No. 225

H. 330—Bevill, Shumate.

AN ACT

To amend the title and Section 1 of Act No. 98, S. 148, approved June 29, 1955 (Acts of Alabama 1955, vol. I, p. 343), an act relating to the fixing of compensation of the superintendent of education in all counties having populations of not less than 63,750 nor more than 72,750.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 98, S. 148, approved June 29, 1955 (Acts of Alabama 1955, vol. I, p. 343), entitled "An Act to fix the compensation of the superintendent of education in all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census," is amended to read as follows:

"An Act to fix the compensation of the superintendent of education in all counties having populations of not less than 51,000 nor more than 56 000 inhabitants, according to the 1960 or any subsequent federal decennial census."

Section 2. Section 1 of Act No. 98, S. 148, approved June 29, 1955 (Acts of Alabama 1955, vol. I, p. 343) is amended to read as follows:

"Section 1. The superintendent of education of all counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be entitled to receive an annual salary of seven thousand dollars (\$7,000) and such other allowances as may be prescribed by law. Such salary shall be paid in equal monthly installments out of the public school funds of the county."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961.

Time: 10:50 A.M.

Act No. 226

H. 331—Shumate, Bevill.

AN ACT

To amend the title and Section 1 of Act No. 461, H. 984, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1051), an act relating to the exemption of purchases of medical, surgical and hospital supplies from any system of competitive bidding in all counties having populations of not less than 63,700 nor more than 70,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 461, H. 984, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1051), entitled "An Act relating to counties having a population of not less than 63,700 nor more than 70,000 inhabitants, according to the last or any subsequent federal decennial census; exempting purchases of medical, surgical, and hospital supplies from any system of competitive bidding now or hereafter provided by law for any such county, or any office, department, board, agency, or institution thereof" is amended to read as follows:

"An Act relating to counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census; exempting purchases of medical, surgical, and hospital supplies from any system of competitive bidding now or hereafter provided by law for any such county, or any office, department, board, agency, or institution thereof."

Section 2. Section 1 of Act No. 461, H. 984, approved September 9, 1955 (Acts of Alabama 1955, vol. II, p. 1051) is amended to read as follows:

"Section 1. This Act shall apply only to counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:51 A.M.

Act No. 227

H. 333—Bevill, Shumate.

AN ACT

To fix the compensation of jury commissions in all counties having populations of not less than 51,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in all counties having populations of not less than 51,000 nor more than

56,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be paid the sum of ten dollars per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. The compensation of each member of the jury commission shall not, however, exceed the sum of six hundred dollars for any one year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:52 A.M.

Act No. 228

H. 335—Bevill, Shumate.

AN ACT

To amend the title and Section 1 of Act No. 223, H. 702, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 532), an act authorizing the clerk of the circuit court to issue warrants in criminal cases in all counties having populations of not less than 63,750 nor more than 72,750.

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 223, H. 702, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 532), entitled "An Act to apply in all counties in the State having a population of not less than 63,750 nor more than 72,750 inhabitants according to the last or any subsequent federal decennial census; authorizing the clerk of the circuit court to issue warrants in criminal cases," is amended to read as follows:

"An Act to apply in all counties in the State having populations of not less than 51,000 nor more than 56,000 inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the clerk of the circuit court to issue warrants in criminal cases."

Section 2. Section 1 of Act No. 223, H. 702, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 532) is amended to read as follows:

"Section 1. Any county in this State having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census, the clerk of the circuit court is hereby constituted a proper magistrate before whom complaints alleging the commission of public offenses may be made, and the circuit clerk of any such county is hereby authorized and directed to issue any warrant in any

criminal case in the same manner and under the same conditions and circumstances that magistrates enumerated in the general law may issue such warrants. Hereafter, whenever the word 'magistrate' is used in any general law which authorizes the issuance of warrants in criminal cases, such word shall be construed to include the clerks of the circuit courts in all counties in the State to which this Act applies."

Section 3. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 10:53 A.M.

Act No. 229

H. 511—Merrill, Albea.

AN ACT

To repeal Act No. 469, H. 1067, approved November 13, 1959, entitled, "An Act relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers" (Acts of Alabama 1959, vol. 2, p. 1164).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 469, H. 1067, approved November 13, 1959, entitled, "An Act relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers" (Acts of Alabama 1959, vol. 2, p. 1164) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:06 P.M.

Act No. 230

H. 512—Albea, Merrill.

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

Beginning at the Northwest corner of Section 28, Township 16 South, Range 8 East, thence South 2 degrees and 45 minutes East along the west line of Section 28, a distance of 2979.5 feet, more or less, to the north right-of-way line of the Southern Natural Gas Corporation, thence North 67 degrees and 58 minutes East along the north right-of-way line of said Southern Natural Gas Corporation a distance of 1339.2 feet, thence North 72 degrees and 21 minutes East along said right-of-way 262.7 feet, thence North 70 degrees and 24 minutes East along said right-of-way 123.8 feet, thence North 66 degrees and 34 minutes East along said right-of-way 219.2 feet, thence North 68 degrees and 32 minutes East along said right-of-way 938.4 feet, thence North 2 degrees and 25 minutes West 1590.9 feet, thence South 87 degrees and 50 minutes West 3.8 feet, thence North 2 degrees and 14 minutes West 440 feet, more or less, to the north line of Section 28, thence west along the north line of Section 28 a distance of 2730 feet, more or less, to the point of beginning.

Containing 155 Acres, more or less, lying north of the Southern Natural Gas Corporation right-of-way in the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of and West-half of the NE $\frac{1}{4}$ of Section 28, Township 16 South, Range 8 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 12:07 P.M.

Act No. 231

H. 513—Merrill, Albea.

AN ACT

Relating to counties having a population of not less than 76,000 nor more than 96,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 76,000 nor more than 96,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. The county commission, the judge of probate, the tax assessor, the tax collector, the sheriff, the clerk of the circuit court, in any county in which this Act applies shall each be entitled to expenses in an amount to be determined by the governing body of the county as being reasonable and necessary, but not exceeding fifteen hundred dollars (\$1500) per annum

for any one officer, said expenses to be payable from the general fund of the county.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 12:08 P.M.

Act No. 232

H. 429—Perry, Hugh Locke, Jr.,
Morrow, Hawkins, Rast,
Edwards, Sessions.

AN ACT

To alter, extend and rearrange the corporate limits of the City of Mountain Brook in the County of Jefferson, and State of Alabama, by the inclusion within the corporate limits of said City certain additional territory now or formerly included within the City of Birmingham.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Mountain Brook, in the County of Jefferson and State of Alabama, are hereby altered, extended, and rearranged so as to include within the corporate limits of said City of Mountain Brook all territory now within such corporate limits and also certain additional territory hereinafter described which is contiguous to the present corporate limits of said City of Mountain Brook, but presently located within the corporate limits of the City of Birmingham, Jefferson County, Alabama, and to alter and rearrange the corporate limits of the said City of Birmingham so as to exclude said territory therefrom, and said territory being described as follows: All that part of the North one-half of the Southwest Quarter of Section 33, Township 17 South, Range 2 West, Jefferson County, Alabama, lying Southeast of the Northwesterly right-of-way line of Montclair Road. All of said property being presently situated in the City of Birmingham, Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 11:39 A.M.

Act No. 233

H. 515—Casey.

AN ACT

To regulate the compensation of county superintendents of education in all counties having populations of not less than 10,800 nor more than 12,000, according to the 1960 or any subsequent federal decennial census, and provide for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The entire compensation of the county superintendent of education of any county having a population of not less than 10,800 nor more than 12,000, according to the 1960 or any subsequent federal decennial census, shall be an annual salary fixed by the county board of education at not less than \$5,000 nor more than \$7,000 per annum. The salary of the superintendent of education shall be payable in equal monthly installments from the public school funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 12:09 P.M.

Act No. 234

H. 576—Rogers.

AN ACT

To repeal Act No. 645, H. 1100, approved September 20, 1957 (Acts of Alabama 1957, Volume II, p. 976).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 645, H. 1100, approved September 20, 1957 (Acts of Alabama 1957, Volume II, p. 976), entitled "An Act to provide for the compensation of deputies of the sheriff in all counties having a population of not less than 26,700 nor more than 27,000, according to the last or any subsequent federal decennial census," is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961
Time: 12:10 P.M.

Act No. 235

H. 578—Reynolds (Madison), Roberts.

AN ACT

To repeal Act No. 553, H. 960, approved August 28, 1951, an act providing for meetings of the Board of Registrars in certain counties (Acts of Alabama 1950-1951, vol. II, p. 970).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 553, H. 960, approved August 28, 1951, an act providing for meetings of the Board of Registrars in certain counties (Acts of Alabama 1950-1951, vol. II, p. 970), is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:11 P.M.

Act No. 236

H. 579—Roberts, Reynolds (Madison).

AN ACT

Relating to registration of voters; providing for meeting days of board of registrars in counties of 110,000 to 160,000 population according to the 1960 or any subsequent decennial census; and providing for clerical assistants to be furnished to the board by county and city government.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 110,000 nor more than 160,000 inhabitants according to the 1960 or any subsequent federal decennial census.

Section 2. The board of registrars shall meet at the county courthouse for the purpose of registering voters on the first Monday in each month, and may also meet an additional one hundred and fifty (150) days in each calendar year any place in the county that it may select.

Section 3. At any meeting of the board applications for registration shall be taken from persons residing anywhere in the county. The court of county commissioners, board of revenue, or like governing body of all counties to which this Act applies, or the governing body of any city in any such county, may, in its discretion, employ clerical assistants for the board, fix their compensation, and provide for the payment thereof from the general fund of the county or city.

The board shall meet for the purpose of purging the lists of registered voters and holding hearings thereon at the times now prescribed by law. In addition, the board may purge names from

the lists of registered voters at any time the board is in session provided a hearing is held in case the person whose name is proposed to be stricken from the registration lists has become a non-resident of the county or has been convicted of any offense mentioned in section 182 of the Constitution, and written notice of the hearing and the date thereof is given by the board to such person by first class mail at his last known address at least thirty days before any election and a copy of such notice is forwarded to the sheriff of the county for personal service upon such person within at least five days after receipt thereof by him, which service must be returned by the sheriff within ten days after receipt thereof by him.

Section 4. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 5. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 12:12 P.M.

Act No. 237

H. 580—Reynolds (Madison), Roberts.

AN ACT

To repeal Act No 239, S. 376, approved July 19, 1951, entitled, "An Act relating to the registration and purgation of voters in counties having a population of not less than 64,000 nor more than 79,000 inhabitants, and providing for meetings and procedures of the Board of Registrars for the purpose of registering voters and purging the registration lists in such counties," (Acts of Alabama 1951, vol. I, p. 514).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 239, S. 376, approved July 19, 1951, entitled, "An Act relating to the registration and purgation of voters in counties having a population of not less than 64,000 nor more than 79,000 inhabitants, and providing for meetings and procedures of the Board of Registrars for the purpose of registering voters and purging the registration lists in such counties" (Acts of Alabama 1951, vol. I, p. 514) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961
Time: 12:13 P.M.

Act No. 238

H. 581—Reynolds (Madison), Roberts.

AN ACT

To provide that the judges of probate of all counties having a population of not less than 110,000 nor more than 160,000 according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Be It Enacted by the Legislature of Alabama:

Section 1. The judges of probate of all counties having a population of not less than 110,000 nor more than 160,000, according to the last or any subsequent federal decennial census, shall not charge or collect a fee for either of the following services namely: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 12:14 P.M.

Act No. 239

H. 582—Reynolds (Madison),
Roberts.

AN ACT

To repeal Act No. 223, H. 332, approved July 17, 1951, entitled "An Act To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation of the coroner in all counties of the state having a population of not less than 80,000 and not more than 135,000 people, according to the last Federal Census, or which hereafter may have such a population according to any such census that may hereafter be taken," (Acts of Alabama 1950-51, vol. I, p. 497).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 223, H. 332, approved July 17, 1951, entitled "An Act To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation of the coroner in all counties of the state having a population of not less than 80,000 and not more than 135,000 people, according to the last Federal Census, or which hereafter may have such a population according to any such census that may hereafter be taken" (Acts of Alabama 1950-1951, vol. I, p. 497), is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:15 P.M.

Act No. 240

H. 583—Reynolds (Madison), Roberts.

AN ACT

To repeal Act No. 692, S. 617, approved September 5, 1951, entitled "An Act Relating to counties having a population of not less than ninety-three thousand nine hundred nor more than one hundred thirty-seven thousand inhabitants; increasing the jurisdiction of the inferior court of such counties and providing additional compensation for the judge thereof for the performance of the additional duties resulting from such increased jurisdiction," (Acts of Alabama 1950-1951, vol. II, p. 1193).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 692, S. 617, approved September 5, 1951, entitled "An Act Relating to counties having a population of not less than ninety-three thousand nine hundred nor more than one hundred thirty-seven thousand inhabitants; increasing the jurisdiction of the inferior court of such counties and providing additional compensation for the judge thereof for the performance of the additional duties resulting from such increased jurisdiction," (Acts of Alabama 1950-1951, vol. II, p. 1193) is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:16 P.M.

Act No. 241

H. 584—Reynolds (Madison),
Roberts.

AN ACT

To repeal Act No. 210, S. 319, approved June 22, 1943, entitled "An Act To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all counties having a population of not less than 100,000, nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith," (Acts of Alabama 1943, p. 187).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 210, S. 319, approved June 22, 1943, entitled "An Act To designate the time in each year when the Board of Registrars shall sit for the purpose of registering

voters in all counties having a population of not less than 100,000, nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith," (Acts of Alabama 1943, p. 187) is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:17 P.M.

Act No. 242

H. 585—Reynolds (Madison), Roberts.

AN ACT

To repeal Act No. 528, H. 992, approved September 2, 1949, entitled "An Act Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 100,000 people and not more than 140,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; and repealing all laws or parts of laws inconsistent with the provisions hereof" (Acts of Alabama 1949, page 819), and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 528, H. 992, approved September 2, 1949, entitled "An Act Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 100,000 people and not more than 140,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; and repealing all laws or parts of laws inconsistent with the provisions hereof" (Acts of Alabama 1949, page 819), as amended, is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 1, 1961

Time: 12:18 P.M.

Act No. 243

H. 586—Grant, Daniel.

AN ACT

To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts of 1957, vol. II, p. 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts of 1957, vol. II, p. 981) is amended further to read as follows:

“Section 30½. The provisions of this Act shall not apply to any county having a population of 400,000 or more, according to the last or any subsequent federal decennial census, nor to any county having a population of not less than 28,000 nor more than 28,900, any county having a population of not less than 16,000 nor more than 16,300, any county having a population of not less than 18,000 nor more than 18,100, any county having a population of not less than 29,300 nor more than 29,800, any county having a population of not less than 20,830 nor more than 20,840, any county having a population of not less than 27,000 nor more than 27,100, or any county having a population of not less than 47,000 nor more than 52,000, according to the last or any subsequent federal decennial census.”

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:19 P.M.

Act No. 244

H. 587—Grant, Daniel.

AN ACT

To authorize the appointment of two additional deputies sheriff in counties having populations of not less than 27,000 nor more than 30,000 inhabitants, and to provide for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 27,000 nor more than 30,000 inhabitants, according to the 1960 or any subsequent federal decennial census, may appoint and employ not more than two deputies sheriff in addition to any deputies sheriff now authorized by law, whose compensation shall be fixed by the governing body of the county at not less than two hundred fifty nor more than three hundred twenty-five dollars per month, to be paid out of any funds in the county treasury not otherwise appropriated.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:20 P.M.

Act No. 245

H. 588—Grant, Daniel.

AN ACT

To repeal Act No. 281, H. 302, approved July 26, 1951, entitled "An Act To authorize the appointment of two additional deputies sheriff in counties having populations of not less than 29,400 nor more than 30,500 inhabitants, and to provide for their compensation" (Regular Session 1951, vol. I, p. 567).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 281, H. 302, approved July 26, 1951, entitled "An Act To authorize the appointment of two additional deputies sheriff in counties having populations of not less than 29,400 nor more than 30,500 inhabitants, and to provide for their compensation," (Regular Session 1951, vol. I, p. 567) is hereby repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:21 P.M.

Act No. 246

H. 589—Grant, Daniel.

AN ACT

To repeal Act No. 35, H. 40, approved March 29, 1955, an act providing for a clerk for the Clerk of the Circuit Court of certain counties, (Acts of Alabama 1955, vol. I, p. 142).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 35, H. 40, approved March 29, 1955, an act providing for a clerk for the Clerk of the Circuit Court of certain counties, (Acts of Alabama 1955, vol. I, p. 142) is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:22 P.M.

Act No. 247

H. 590—Grant, Daniel.

AN ACT

To repeal Act No. 38, H. 35, approved February 18, 1955, entitled "An Act Relating to counties with populations of not less than 29,350 nor more than 30,350 inhabitants: to provide a clerk for the tax collector and tax assessor of such counties, fixing the salaries of each of such clerks and the method of payment of such salaries out of the general funds of such counties" (Acts of Alabama 1955, vol. I, p. 60).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 38, H. 35, approved February 18, 1955, entitled "An Act Relating to counties with populations of not less than 29,350 nor more than 30,350 inhabitants: to provide a clerk for the tax collector and tax assessor of such counties, fixing the salaries of each of such clerks and the method of payment of such salaries out of the general funds of such counties" (Acts of Alabama 1955, vol. I, p. 60), is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:23 P.M.

Act No. 248

H. 599—Jones (Monroe).

AN ACT

To repeal Act No. 269, H. 637, Regular Session 1959, entitled "An Act to apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county," (Acts of Alabama 1959, vol. I, p. 833).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 269, H. 637, entitled "An Act to apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county," (Acts of Alabama 1959, vol. 1, p. 833) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:25 P.M.

Act No. 249

H. 600—Brewer, Gilchrist.

AN ACT

To repeal Act No. 456, H. 971, approved November 13, 1959, entitled, "An Act to prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws" (Acts of Alabama 1959, vol. 2, p. 1147).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 456, H. 971, approved November 13, 1959, entitled, "An Act to prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws" (Acts of Alabama 1959, vol. 2, p. 1147) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:26 P.M.

Act No. 250

H. 601—Brewer, Gilchrist.

AN ACT

To prohibit the taking of fish from the public waters of all counties having a population of not less than 57,000 nor more than 61,000, according to the 1960 or any subsequent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any hoop and fyke net, gill net, trammel net, or any other kind of commercial fishing gear, except a setline, trotline, or snagline, in taking or capturing fish from the public impounded waters and navigable streams in any county having a population of not less than 57,000 nor more than 61,000, according to the 1960 or any subsequent federal decennial census, notwithstanding the fact that such person may be licensed by the department of conservation to use such gear in any other county. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 12:27 P.M.

Act No. 251

H. 603—Nichols.

AN ACT

To repeal Act No. 69, H. 318, Regular Session 1945, approved June 7, 1945 (General Acts of Alabama 1945, p. 66), entitled "An Act To authorize the employment, in their discretion, by municipalities in Alabama having a population of not less than fifteen thousand and not more than eighteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 69, H. 318, Regular Session 1945, approved June 7, 1945 (General Acts of Alabama 1945, p. 66), entitled "An Act To authorize the employment, in their discretion, by municipalities in Alabama having a population of not less than fifteen thousand and not more than eighteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed," is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 12:28 P.M.

Act No. 252

H. 605—Bevill, Shumate.

AN ACT

To alter, re-arrange, and extend the boundary lines and corporate limits of the town of Sumiton in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the town of Sumiton in Walker County are hereby altered, re-arranged, and extended so as to include within the corporate limits of the town of Sumiton all the territory situated in Township 15 South, Range 5 West, in Walker County, embraced within the following described boundaries, to-wit:

Begin at the Southeast corner of Section 3, Township 15 South, Range 5 West; thence West along Section line $\frac{1}{4}$ mile to the Southeast corner of $SW\frac{1}{4}$ of $SE\frac{1}{4}$; thence North $\frac{1}{2}$ mile to the Northeast corner of $NW\frac{1}{4}$ of $SE\frac{1}{4}$; thence West $\frac{1}{4}$ mile to Southeast corner of $SE\frac{1}{4}$ of $NW\frac{1}{4}$; thence North $\frac{1}{4}$ mile to the Northeast corner of said forty; thence West $\frac{1}{4}$ mile to the Northwest corner of said forty; thence South $\frac{1}{4}$ mile to the Southwest corner of said forty; thence West along the North line of South $\frac{1}{2}$ of Section 3 and the North line of South $\frac{1}{2}$ of Section 4, Township 15 South, Range 5 West to the point where such line intersects the East boundary of the right-of-way of new U. S. Highway No. 78; thence Southeasterly along the East and North boundaries of the right-of-way of said new U. S. Highway No. 78 to the point where such highway intersects the East boundary line of the right-of-way of the New Bryan Road in the $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 10, Township 15 South, Range 5 West; thence Northeasterly along the East line of the right-of-way of said New Bryan Road to the point where such New Bryan Road intersects the present boundary of the town of Sumiton in the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 10, Township 15 South, Range 5 West; thence along the present boundary line of the town of Sumiton to the Northeast corner of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 10, Township 15 South, Range 5 West; thence North $\frac{1}{2}$ mile along the East line of Section 10 to the Northeast corner thereof which is the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961
Time: 12:29 P.M.

Act No. 253

H. 573—Hankins.

AN ACT

To alter, rearrange and extend the corporate limits of the Town of Sulligent, Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Sulligent, Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The $NW\frac{1}{4}$ of $NW\frac{1}{4}$, the $S\frac{1}{2}$ of $NW\frac{1}{4}$, the $N\frac{1}{2}$ of $SW\frac{1}{4}$, the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ and the $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 28; the

E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 29; the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; the NE $\frac{1}{4}$ of Section 31; the NE $\frac{1}{4}$, the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, the N $\frac{1}{2}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32; the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 33, all in Township 13 South of Range 15 West, and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 4, of Township 14 South, Range 15 West, Huntsville Meridian, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, general, special and local, in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 12:24 P.M.

Act No. 254

H. 239—Callahan, Ferguson.

AN ACT

To fix the supplemental salary of the Circuit Solicitor of the Sixth Judicial Circuit of Alabama; and to create the offices of Deputy Circuit Solicitor No. 1 and Deputy Circuit Solicitor No. 2 of the said Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such offices; and to fix the salary of the stenographic secretary to the Circuit Solicitor of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. That a supplemental salary of \$2400 per annum shall be paid out of the general funds of Tuscaloosa County to the Circuit Solicitor of the Sixth Judicial Circuit in twelve equal installments, as the salaries of other county officers are paid, as supplemental salary to that paid by the State of Alabama, and that said supplemental salary shall begin at the beginning of the next term of such Circuit Solicitor in January, 1963.

Section 2. That the offices of Deputy Circuit Solicitor No. 1 and Deputy Circuit Solicitor No. 2 of the Sixth Judicial Circuit are hereby created in lieu of the present office of Deputy Circuit Solicitor. The two Deputy Circuit Solicitors, No. 1 and No. 2, shall be appointed by and shall serve at the pleasure of the Circuit Solicitor of the Sixth Judicial Circuit. The said two Deputy Circuit Solicitors shall devote their entire time to the discharge of the duties of their respective offices, and are prohibited from practising law, directly or indirectly, in any Court

of this State, or of the United States, or in any other manner or form whatsoever except in the discharges of the official duties of their offices.

Section 3. The salary of Deputy Solicitor No. 1 shall be \$7200.00 per annum, \$2400 of this salary shall be paid by the State in the same manner as the salaries of other state officers are paid, and the remaining \$4800.00 thereof shall be paid by Tuscaloosa County from the general fund of said county, as the salaries of other county officers are paid. The salary of Deputy Circuit Solicitor No. 2 shall be \$6000 per annum, \$2100 of this salary shall be paid by the State in the same manner as salaries of other state officers are paid and the remaining \$3900, thereof shall be paid by Tuscaloosa County from the general fund of said county, as the salaries of other county officers are paid.

Section 4. The salary of the stenographic secretary of the Circuit Solicitor of the Sixth Judicial Circuit of Alabama shall be \$4200 per annum, \$1200 of this salary shall be paid by the State in the same manner as the salaries of other state officers are paid, and the remaining \$3000 thereof shall be paid by Tuscaloosa County, Alabama, from the general fund of said County as the salaries of other county officers are paid.

Section 5. That all laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law except, as stated above, the said Section 1 hereof, *supra*, shall only become effective at the beginning of the next term of the Circuit Solicitor of the Sixth Judicial Circuit in January, 1963.

Approved August 2, 1961
Time: 10:00 A.M.

Act No. 255

H. 752—Franklin.

AN ACT

To amend further Act No. 23, Regular Session 1943, which relates to the county superintendent of education of Coosa County (Local Acts of Alabama 1943, p. 14).

Be It Enacted by the Legislature of Alabama:

Section 4 of Act No. 23, Regular Session 1943, entitled "An Act to provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office

and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto" (Local Acts of Alabama 1943, p. 14), as amended, is amended further to read as follows:

"The County Superintendent of Education shall devote his entire time to the discharge of his duties as superintendent of education and shall receive as compensation a salary of not less than \$4,800 nor more than \$7,000 per annum, to be fixed and determined by the county board of education and payable at the time and in the manner provided by the general laws of the State for the payment of salaries of superintendents of education."

Approved August 1, 1961
Time: 3:00 P.M.

Act No. 256

H. 753—Franklin.

AN ACT

For the relief of McCord Oil Company of Goodwater, Alabama; making an appropriation of state highway department funds to compensate such company for certain materials furnished for Alabama Highway Project No. USG-347(4).

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of six thousand six hundred twenty-two dollars and eighty-nine cents is hereby appropriated from any unpledged funds in the state treasury to the credit of the state highway department, to the use and benefit of McCord Oil Company of Goodwater, Alabama, to compensate said McCord Oil Company for certain oil, moter fuels, tires, batteries, and other materials furnished by such company and actually used in or about certain construction work done on Alabama Highway Project No. USG-347(4), for which McCord Oil Company has not been paid. The Legislature finds and declares that the claim of said McCord Oil Company against the State is a just and equitable demand, which the State is morally obligated to pay, but the claimant has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1961
Time: 11:30 A.M.

Act No. 257

H. 156—Murphy, Trimmier.

AN ACT

Relating to Mobile County; to alter, rearrange and extend the boundaries of the City of Mobile so as to include within the corporate limits thereof certain additional territory located in Section 7, Township 5 South, Range 2 West, Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Mobile, in Mobile County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City that certain additional territory lying within the following described boundaries, to-wit:

The South half of the North half of the Southeast quarter and the South half of the Northeast quarter of the Southwest quarter of Section 7, Township 5 South, Range 2 West, Mobile County, Alabama.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:49 A.M.

 Act No. 258

H. 195—Boyd, Bassett.

AN ACT

To amend Section 1 of Act No. 666, of the 1957 Regular Session of the Legislature of Alabama, approved September 20, 1957, relating to the salaries of the judges of Circuit Courts in certain judicial circuits composed of two counties, when the judge is required by law to hold at least two sessions of said court at two different places in any one county in any one year.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 666 of the 1957 Regular Session of the Legislature of Alabama, approved September 20, 1957, is hereby amended to read as follows:

“Section 1. The salary of the judges of the circuit courts in all circuits composed of two counties, either having more than 30,000 population according to the last or any subsequent Federal Decennial census, shall be supplemented by the counties composing the circuit when the judge is required by law to hold at least two sessions of such court at two different places in any one county during any one year. Such supplement shall be in the sum of \$2000.00 per annum, and shall be payable by the

counties composing the circuit, share and share alike, in equal monthly installments on requisitions of the judge."

Section 2. All laws and parts of laws in conflict with the provisions hereof are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:50 A.M.

Act No. 259

H. 210—Cates.

AN ACT

Relating to Shelby County; providing further for the custody of county funds; to abolish the office of county treasurer and provide for the selection of a county depository in lieu thereof; to repeal Act No. 608, H. 973, approved September 30, 1919 (Local Acts of Alabama 1919, p. 231) and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of county treasurer for Shelby County, as provided for by Act No. 608, H. 973, approved September 30, 1919 (Local Acts of Alabama 1919, p. 231), entitled "An Act To create the office of County Treasurer for Shelby County, to provide for his election and the filling of vacancies, to prescribe his duties and compensation," as amended by Act No. 270, H. 717, approved June 16, 1931 (Local Acts of Alabama 1931, p. 129), is hereby abolished. Within ten days after the effective date of this Act, and on or before the first Monday in December of each year thereafter, the board of revenue, court of county commissioners, or other like governing body of Shelby County shall select as a county depository an incorporated state or national bank or banks in the county as provided in Chapter 2 of Title 12, Code of Alabama (1940), as amended, and said depository shall be in lieu of a county treasurer.

Section 2. Act No. 608, H. 973, approved September 30, 1919 (Local Acts of Alabama 1919, p. 231), and Act No. 270, H. 717, approved June 16, 1931 (Local Acts of Alabama 1931, p. 129), are expressly repealed.

Section 3. This Act shall become effective on the first day of the month following the date of its enactment.

Approved August 7, 1961

Time: 10:52 A.M.

Act No. 260

H. 211—Cates.

AN ACT

To amend Act No. 479, H. 1079, approved November 19, 1959, an act establishing the Law and Equity Court for Shelby County, Alabama, in relation to the payment of solicitor fees and trial taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 31 and 33 of Act No. 479, H. 1079, approved November 19, 1959, an act establishing the Law and Equity Court for Shelby County, Alabama, are hereby amended to read as follows:

“Section 31. That there shall be taxed against the defendant on conviction the same solicitor’s fee and the same shall be collected in the way provided by law for taxing and collecting solicitor’s fees in the Circuit Court, and when collected shall be paid into the treasury of Shelby County, Alabama. *Provided*, that this fee shall not be taxable as a part of the costs in traffic law cases involving violations of the penal sections of Title 36, Code 1940, as amended or supplemented, nor in cases involving violations of the penal sections of Title 8, Code 1940, as amended or supplemented, if the defendant pleads guilty before trial and does not appeal.

“Section 33. That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Shelby County Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Shelby County Law and Equity Court into the general funds of the county as other costs, provided, however, that in civil cases at law where the amount involved is Fifty Dollars or less, a trial tax of only \$1.00 shall be imposed and collected, provided further that in all criminal cases where the defendant is charged with violating any of the provisions of Title 8 or Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected.”

Section 2. The amendments made by this Act shall not affect or apply to any case pending in court on the effective date.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:53 A.M.

Act No. 261

H. 212—Cates.

AN ACT

To fix the compensation of the members, other than the chairman, of the court of county commissioners, board of revenue, or like governing body, of all counties having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the last or any subsequent decennial census of the United States; and to provide for the manner of payment of such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the members, other than the chairman, of the court of county commissioners, board of revenue, or like governing body, of all counties having a population of not less than 32,000 nor more than 33,000 inhabitants according to the last or any subsequent decennial census of the United States is hereby fixed at two thousand four hundred dollars (\$2,400) per annum, payable in equal monthly installments out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:54 A.M.

Act No. 262

H. 214—Cates.

AN ACT

To amend the title and Section 1 of Act No. 693, H. 1124, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1046), an act providing for the economic development of counties having populations of not less than 29,500 nor more than 30,500, according to the 1950 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 693, H. 1124, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1046) is hereby amended to read as follows:

“An Act to provide further for the economic development of counties having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the last or any subsequent federal decennial census, and the economic development of municipalities within such counties; providing for the creation of a development board in each county to which this Act applies; providing for the organization, powers, functions, duties, and personnel of such board; and providing for the payment of the

expenses and for the compensation of the personnel of such board."

Section 2. Section 1 of said Act No. 693, H. 1124, approved September 20, 1957, is hereby amended to read as follows:

"Section 1. This Act shall apply only in counties having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the last or any subsequent federal decennial census."

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:55 A.M.

Act No. 263

H. 216—Cates.

AN ACT

To regulate the compensation of bailiffs for the grand jury and bailiffs actually serving in court in every county having a population of not less than 32,000 nor more than 33,000, according to the last or any subsequent decennial census of the population of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Bailiffs for the grand jury and bailiffs actually serving in court in any county having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the 1960 or any subsequent decennial census of the United States, may receive not more than six dollars a day for every day they serve as such, the exact compensation to be fixed at the discretion of the governing body of the county. The compensation of bailiffs in such counties shall be paid out of the county treasury on the certificate of the presiding judge showing that the bailiff's service was necessary.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:56 A.M.

Act No. 264

H. 217—Cates.

AN ACT

Relating to counties having populations of not less than 32,000 nor more than 33,000 inhabitants according to the 1960 or any subsequent

decennial census of the United States: Authorizing the governing body of every such county to provide the circuit clerk of the county an allowance for clerk hire.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of every county having a population of not less than 32,000 inhabitants nor more than 33,000 inhabitants according to the 1960 or any subsequent decennial census of the United States is authorized to provide the circuit clerk of the county an allowance of fifty dollars (\$50.00) a month for clerk hire. The allowance herein provided for shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:57 A.M.

Act No. 265

H. 218—Cates.

AN ACT

To authorize the payment from the county treasury of an expense allowance to the coroner in counties having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 32,000 nor more than 33,000 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized to pay from the county treasury an allowance to the coroner of such county, in an amount not to exceed fifty dollars (\$50.00) per month, for expenses incurred in the performance of his official duties. Such allowance shall be in addition to all other compensation or allowances heretofore provided by law.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:58 A.M.

Act No. 266

H. 219—Cates.

AN ACT

Relating to counties having a population of not less than 32,000 nor more than 33,000, according to the last or any subsequent federal

decennial census; authorizing the court of county commissioners, board of revenue or like governing body of every such county to provide the circuit clerk of the county an allowance for clerk hire.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having a population of not less than 32,000 nor more than 33,000, according to the last or any subsequent federal decennial census.

Section 2. The court of county commissioners, board of revenue or like governing body of every county in which this Act applies is hereby authorized to provide the clerk of the circuit court of the county an allowance of One Hundred Twenty-Five dollars (\$125.00) a month for clerk hire. The allowance herein provided for shall be paid from the general fund of the county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect August 1, 1961.

Approved August 1, 1961

Time: 10:59 A.M.

Act No. 267

H. 220—Cates

AN ACT

To amend Act No. 730, S. 528, approved September 20, 1957 (Acts of Alabama 1957, page 1136) which relates to the use outside their corporate limits of municipal fire fighting equipment and personnel by certain towns.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 730, S. 528, approved September 20, 1957 (Acts of Alabama 1957, page 1136) which relates to the use outside the corporate limits of municipal fire fighting equipment and personnel by certain towns, is amended to read as follows:

“An Act to authorize all towns having a population of not less than one thousand nor more than two thousand three hundred population according to the 1960 or any succeeding Federal decennial census which have fire fighting equipment or personnel to use such equipment and personnel in the police jurisdiction; to authorize licenses by such towns at not exceeding 75% of the rates within the corporate limits; to authorize such towns to make available fire fighting personnel and equipment to protect the property of such towns located in the same county;

and to exempt such towns and their personnel from liability and obligation and to grant protection as if they were acting inside of the corporate limits."

Section 2. Section 1 of said Act No. 730, S. 528, approved September 20, 1957, is amended to read as follows:

"Section 1. That all incorporated towns in the State of Alabama which have a population of not less than one thousand nor more than two thousand three hundred according to the 1960 or any succeeding decennial Federal census and which have fire fighting equipment or personnel (herein called 'Towns' or 'Town') may make such equipment and personnel available for fire fighting purposes and the extinguishment of conflagrations and may furnish fire fighting service in the police jurisdiction of such Town as well as in the corporate limits thereof. Nothing herein contained shall, however, require any such Town to install or cause to be installed fire plugs in the police jurisdiction."

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:48 A.M.

Act No. 268

H. 221—Cates

AN ACT

To amend further Section 462, Title 37, Code of Alabama 1940, as amended, relating to the publication and recording of ordinances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 462 of Title 37, Code of Alabama 1940, as amended is further amended to read as follows:

"Section 462. (a) All ordinances shall, as soon as practicable after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the clerk.

"(b) All ordinances of a general or permanent nature, except as hereinafter provided, shall be published in some newspaper of general circulation published in the municipality, but if no such newspaper is published in the municipality, such ordinances may be published by posting copies thereof in three public places within the municipality, one of which shall be at the post office or the mayor's office in such city or town; in the event there is no newspaper published in the municipality and there is a newspaper published in the county in which the

municipality is located having general circulation in the municipality, at the option of the governing body of such municipality, the ordinance may be published in such newspaper. In towns having a population of less than 2000 inhabitants, as shown by the 1950 federal census, the governing body of such town shall have the option of publication of the ordinance by posting as above provided, or in a newspaper published in the town, or in the county having a general circulation in the town.

“When the ordinance is published in the newspaper it shall take effect from and after the time it shall first appear therein and when published by posting it shall take effect five days thereafter.

“(c) Immediately following the record of any ordinance the clerk shall append a certificate stating therein the time and manner of publication, which certificate shall be presumptive of the facts stated therein.

“(d) All ordinances granting a franchise shall be published at the expense of the party or parties to whom the franchise is granted.

“(e) Ordinances may adopt by reference thereto, without setting the same out at length in the ordinance, rules and regulations which have been printed as a code in book or pamphlet form, for: (1) the construction, erection, alteration, or improvement of buildings; (2) installation of plumbing or plumbing fixtures; (3) installation of electric wiring or lighting fixtures; (4) installation of gas or gas fixtures; (5) fire prevention; (6) health and sanitation; (7) milk and milk products; (8) parks; (9) airports; (10) water works and sewers and (11) traffic, if, before adopting such code in book or pamphlet form, the governing body of the city or town shall by resolution hold a public hearing of which there shall be at least 15 day notice of the time, place and purpose of such hearing by publication of the resolution once a week for two successive weeks, or by posting notices of such for such length of time, as the case may be, under subsection (b); such resolution shall provide that not less than three copies of such code shall be filed for not less than 15 days prior to the holding of the public meeting for use and examination by the public in the office of the city or town clerk. Amendments to such rules or regulations adopted as a code thereafter shall be adopted by ordinances published as herein provided in subsection (b).

“(f) The following shall not be deemed ordinances of a general or permanent nature requiring publication:

“(1) Authorizing or ratifying contracts with public utilities for utility services for a specified term.

“(2) Authorizing the issuance or sale or security of bonds, debentures, notes, warrants and other obligations, whether full faith and credit obligations or payable from general revenues, or special taxes, or from revenues of a utility or other property of a municipality.

“(g) The provisions of this section shall not apply to the adoption of a code for the revision and codification of the ordinances of a municipality and the adoption of such code by ordinances as provided in Title 37, Section 461 of the Code of Alabama 1940.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 7, 1961

Time: 11:00 A.M.

Act No. 269

H. 256—Phillips

AN ACT

To provide additional revenue for educational purposes in Choctaw County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) If approved by a majority of the qualified voters of Choctaw County who vote thereon at the referendum election provided for in subsection (b), the court of county commissioners, board of revenue, or like governing body of said county may adopt an order, ordinance, or resolution levying special county taxes, for educational purposes, to parallel state sales and use taxes, in the manner and at the rates prescribed in this Act.

(b) The court of county commissioners, board of revenue, or like governing body of Choctaw County shall call and provide for holding an election for the purpose of determining whether or not such special county taxes shall be levied and imposed as provided in this Act. Notice of the election shall be given not

more than 45 nor less than 30 days before the date set for the election, by publication in a newspaper published in the county once a week for four successive weeks. The election shall be held on the same day as the next primary, general, or special election that is held in the county following the effective date of this enactment. The election shall be held and conducted in the manner provided by law for holding other county elections, and the cost of the election, including the cost of publishing the notice, shall be paid by the county. The question to be voted on shall be stated on the ballots substantially as follows: "Do you favor a one-cent county sales tax for schools?"

Section 2. (a) The special county taxes levied pursuant to this Act shall be privilege license and excise taxes in substance as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Choctaw County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Choctaw County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind

and description, conducted or carried on within Choctaw County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Choctaw County in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines or machinery, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, and which are necessary to the operation of such machines or machinery and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines or machinery, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Choctaw County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax may be imposed on—

The storage, use, or other consumption in Choctaw County of tangible personal property purchased at retail, for storage, use or other consumption in Choctaw County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Choctaw County or in this state, except as provided in paragraphs a and b below; and

a. The storage, use, or other consumption in Choctaw County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail for storage, use, or other consumption in Choctaw County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

b. The storage, use, or other consumption in Choctaw County of any machine or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines or machinery, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, purchased at retail for storage, use, or other consumption in Choctaw County, at the rate of one-half of one percent of the sales price of such machine or machinery or the parts, attachments, or replacements therefor.

(b) There shall be exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there shall also be exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Choctaw County tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in Choctaw County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100 heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100, and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act No. 100 and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

Section 3. Unless otherwise expressly provided for in the order, ordinance, or resolution levying the taxes herein au-

thorized, such taxes shall become effective on the first day of the second month next following the date of the order, ordinance, or resolution; provided, notice of the adoption of such an order, ordinance, or resolution must be given to the commissioner of the state department of revenue not less than 45 days before the taxes are to become effective. Th taxes levied and imposed shall be in addition to all other taxes now provided by law and shall be collected as hereinafter provided.

Section 4. All taxes levied pursuant to this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the s'tate department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Choctaw County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller regularly and continually making sales of tangible personal property for storage, use, or other consumption in Choctaw County (which storage, use, or other consumption is not exempted from the tax imposed shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Choctaw County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state

department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Choctaw County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Choctaw County in a business subject to the taxes levied pursuant to Section 2 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed pursuant to this Act shall con-

stitute a debt due Choctaw County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied, and the state department of revenue, for the use and benefit of Choctaw County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving the Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Choctaw County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports, or otherwise comply with the states sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 2 hereof, shall apply to the county tax levied; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the

state sales tax statutes and the state use tax statutes that are made applicable in this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Choctaw County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed three percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Choctaw County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Choctaw County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Choctaw County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Choctaw County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Choctaw County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The proceeds of the taxes levied pursuant to this Act shall be used by the

county board of education for any educational purpose authorized by law.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:01 A.M.

Act No. 270

H. 262—Bishop, Boyd, Bassett.

AN ACT

To repeal Act No. 214, S. 169, approved July 21, 1953 (Acts of Alabama 1953, page 281) entitled "An Act Relating to cities having a population of not less than 10,000 nor more than 12,000 inhabitants, according to the 1950 or any subsequent decennial census of the population of the United States; changing the time and method of electing and fixing the term of office of members of the board of commissioners of any such city."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 214, S. 169, approved July 21, 1953 (Acts of Alabama 1953, page 281) entitled "An Act Relating to cities having a population of not less than 10,000 nor more than 12,000 inhabitants, according to the 1950 or any subsequent decennial census of the population of the United States; changing the time and method of electing and fixing the term of office of members of the board of commissioners of any such city" is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:02 A.M.

Act No. 271

H. 349—Perry, Sessions, Locke, Edwards,
Rast, Hawkins, Morrow.

AN ACT

To alter, rearrange, and extend the corporate limits of the City of Mountain Brook, Jefferson County, so as to include within the corporate limits of said City of Mountain Brook certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Mountain Brook, Jefferson County, are hereby altered, rearranged, and extended so as to include within the corporate limits of said City of Mountain Brook all territory now within such corporate limits and also certain additional territory hereinafter described which is contiguous to the present corporate limits, namely:

A tract of land lying in Section 35, Township 17 South, Range 2 West and in Section 2, Township 18 South, Range 2 West in Jefferson County, Alabama, more particularly described as follows:

All of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 2, Township 18 South, Range 2 West in Jefferson County, Alabama.

ALSO

A tract of land in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2, more particularly described as follows:

Commence at the Northeast corner of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$; thence Southerly along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 761.16 feet to the point of beginning of the tract of land herein described; thence continue Southerly along the last above described course a distance of 560.56 feet to the Southeast corner of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$; thence $91^{\circ} 11' 30''$ to the right and Westerly along the South line of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 554.49 feet; thence $127^{\circ} 01' 30''$ to the right and Northeasterly a distance of 524.36 feet; thence $20^{\circ} 59' 30''$ to the right and Northeasterly a distance of 267.72 feet, more or less, to the point of beginning:

ALSO

A tract of land in the SE $\frac{1}{4}$ of Section 35, Township 17 South, Range 2 West, more particularly described as follows:

Commence at the SE corner of said Section 35; thence Northerly along the East line of said Section 35, a distance of 33.52 feet; thence $69^{\circ} 23'$ to the left and Northwesterly a distance of 869.37 feet; thence $60^{\circ} 33'$ to the left and Southwesterly a distance of 425.10 feet to a point which is 25 feet north of the South line of said Section 35; thence $42^{\circ} 02'$ to the right and Westerly and parallel to the South line of said Section 35 a distance of 455.10 feet; thence $37^{\circ} 59'$ to the left and Southwesterly a distance of 40.60 feet, more or less, to the intersection with the South line of said Section 35; thence Easterly along said South line of said Section 35, a distance of 1628.44 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 11:03 A.M.

Act No. 272

H. 380—Meade.

AN ACT

Relating to counties having a population of not less than 16,150 nor more than 17,250 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 16,150 nor more than 17,250 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The Probate Judge, Sheriff, County Solicitor, County Clerk, Judge of the Law and Equity Court, Tax Assessor, Tax Collector, Chairman of the Board of Revenue, and all four Members of the Board of Revenue in any county in which this Act applies shall be entitled to expenses in an amount to be determined by the governing body of the county as being reasonable and necessary, but not exceeding twelve hundred dollars (\$1,200.00) per annum for said officers, said expenses to be payable from the general fund of the county.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor and upon its approval by the County Board of Revenue, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 11:04 A.M.

Act No. 273

H. 449—Roberts, Reynolds (Madison).

AN ACT

To amend further Act No. 671, H. 921, approved September 4, 1951 (Acts of Alabama 1951, vol. II, p. 1158), creating and establishing a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 671, H. 921, approved Sep-

tember 4, 1951 (Acts of Alabama 1951, vol. II, p. 1158) creating and establishing a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees in such cities is hereby amended to read as follows:

“An Act Relating to cities having a population of not less than 50,000 nor more than 60,000 according to the 1960 or any subsequent federal decennial census; creating and establishing within such cities a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities.”

Section 2. Section 1 of Act No. 671, H. 921, approved September 4, 1951 is hereby amended to read as follows:

“Section 1. The provisions of this act shall be applicable only to cities having a population of not more than 50,000 nor less than 60,000 according to the 1960 or any subsequent decennial census.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:05 A.M.

Act No. 274

H. 450—Roberts, Reynolds (Madison).

AN ACT

To amend the title and Section 1 of Act No. 112, H. 380, approved June 19, 1951 (Acts of Alabama 1951, vol. I, p. 337), providing for the name, number and designation of the governing body of certain cities classified on a population basis; providing for the selection of employees in all such cities and prescribing the authority of the governing body of such cities with respect to such employees; providing for the distribution of the powers and duties of and among the members of the governing body of each such city; and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 112, H. 380, approved June 19, 1951 (Acts of Alabama 1951, vol. I, p. 337), providing for the name, number and designation of the governing body of certain cities classified on a population basis; providing for the selection of employees in all such cities and prescribing the authority of the governing body of such cities with respect to such employees; providing for the distribution of the powers and duties of and among the members of the governing body of

each such city; and providing for their compensation is hereby amended to read as follows:

"An Act Relating to cities in Alabama having a population of not less than 50,000 nor more than 60,000 according to the 1960 or any subsequent decennial federal census providing for the name, number and designation of members of the governing body of all such cities; providing for the selection and employment of employees in all such cities and prescribing the authority of the governing body of such cities with respect to said employees; providing for distribution of the powers and duties of and among the members of the governing body of each such city, and providing for their compensation for duties herein imposed."

Section 2. Section 1 of Act No. 112, H. 380, approved June 19, 1951, is hereby amended to read as follows:

"Section 1. The provisions of this Act shall apply in and to all cities in the State of Alabama having a population of not less than 50,000 nor more than 60,000 according to the 1960 or any subsequent federal decennial census."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:06 A.M.

Act No. 275

H. 451—Roberts, Reynolds (Madison).

AN ACT

To amend the title and Section 1 of Act No. 153, H. 449, approved June 30, 1953 (Acts of Alabama 1953, vol. I, p. 195), regulating and fixing the minimum salary of firemen and policemen in certain cities classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 153, H. 449, approved June 30, 1953 (Acts of Alabama 1953, vol. I, p. 195), regulating and fixing the minimum salary of firemen and policemen in certain cities classified on a population basis is hereby amended to read as follows:

"An Act To regulate and fix the minimum salary of firemen and policemen in all cities having a population of not less than 50,000 nor more than 60,000 according to the 1960 or any subsequent federal decennial census."

Section 2. Section 1 of Act No. 153, H. 449, approved June 30, 1953, is hereby amended to read as follows:

"Section 1. A minimum salary to be paid policemen and firemen in all cities which have a population of not less than 50,000 nor more than 60,000 inhabitants, according to the 1960 or any subsequent decennial census of the population of the United States, shall be as follows:

Chief of each department	\$450.00 per month
Assistant chief of police	\$400.00 per month
Assistant chief of fire department	\$400.00 per month
Chief of detectives, Police Department	\$375.00 per month
Superintendent of Identification, Police Dept.	\$350.00 per month
Captain of Fire Department	\$350.00 per month
Lieut. of detectives, Police Department	\$335.00 per month
Lieut. of Fire Department	\$325.00 per month
Identification Officer of Police Department	\$325.00 per month
Captain of the Police Department	\$350.00 per month
Lieut. of Police Department	\$325.00 per month
Driver of the Fire Department	\$300.00 per month
Record Clerk of Police Department, Secretary of the Police Department, Parking Meter repairman, in Police Department, and Sergeant and detectives of Police Department	\$300.00 per month
Firemen of the Fire Department	\$275.00 per month
Patrolmen of the Police Department	\$275.00 per month
Rookie Patrolmen of the Police Department and Rookie Firemen of the Fire Department (this status not to continue for more than 18 months)	\$250.00 per month"

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:07 A.M.

Act No. 276

H. 452—Roberts, Reynolds (Madison).

AN ACT

To repeal Act No. 499, S. 617 approved August 30, 1949, entitled "An Act relating to all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to

the last or any succeeding regular decennial Federal Census; providing for the name, number and designation of members of the governing body of all such cities; providing for the selection and employment of employees in all such cities and prescribing the authority of the governing body of such cities with respect to said employees; providing for distribution of the powers and duties of and among the members of the governing body of each such city; providing the time when the provisions of this act shall become effective; and repealing all laws or parts of laws, general, local or special, in conflict with the provisions hereof." (Acts of Alabama 1949, p. 724).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 499, S. 617 approved August 30, 1949, entitled "An Act Relating to all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census; providing for the name, number and designation of members of the governing body of all such cities; providing for the selection and employment of employees in all such cities and prescribing the authority of the governing body of such cities with respect to said employees; providing for distribution of the powers and duties of and among the members of the governing body of each such city; providing the time when the provisions of this act shall become effective; and repealing all laws or parts of laws, general, local or special, in conflict with the provisions hereof" (Acts of Alabama 1949, p. 724) is hereby specifically repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:08 A.M.

Act No. 277

H. 454—Roberts, Reynolds (Madison).

AN ACT

To repeal Act No. 500, S. 618, approved August 30, 1949 entitled "An Act Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof" (Acts of Alabama 1949, p. 725).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 500, S. 618, approved August 30, 1949, entitled "An Act Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 50,000 people nor

more than 78,500 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof" (Acts of Alabama 1949, p. 725) is hereby specifically repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:09 A.M.

Act No. 278

H. 455—Roberts, Reynolds (Madison).

AN ACT

To repeal Act No. 498, S. 616, approved August 30, 1949, entitled "An Act To provide for the name and number of members of the governing body of all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census; to provide for the designation of the members of the governing body of all such cities; to provide that in all primary and general elections for nomination or election of members of the governing body in such cities, each such position to be filled shall be designated separately and shall appear separately on all ballots in such elections; to provide that each candidate for nomination or election in such election shall designate the position to which he is seeking nomination or election; to provide the manner in which the names of candidates shall appear on ballots in such elections; and to repeal all laws or parts of laws, general, local or special, in conflict with the provisions hereof." (Acts of Alabama 1949, p. 723)

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 498, S. 616 approved August 30, 1949, entitled "An Act To provide for the name and number of members of the governing body of all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census; to provide for the designation of the members of the governing body of all such cities; to provide that in all primary and general elections for nomination or election of members of the governing body in such cities, each such position to be filled shall be designated separately and shall appear separately on all ballots in such elections; to provide that each candidate for nomination or election in such election shall designate the position to which he is seeking nomination or election; to provide the manner in which the names of candidates shall appear on ballots in such elections; and to repeal all laws or parts of laws, general, local or special, in conflict with the provisions

hereof" (Acts of Alabama 1949, p. 723) is hereby specifically repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:10 A.M.

Act No. 279

H. 456—Roberts, Reynolds (Madison).

AN ACT

To amend further Act No. 379, H. 786, approved July 9, 1943 (Acts of Alabama Regular Session 1943 and Special Session 1942, p. 349), an act to establish a Policemen and Firemen's Retirement Fund in certain cities classified on a population basis; to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and Secretary-Treasurer thereof for such fund; to provide for the retirement and reinstatement of active or retired members of such departments and payment of benefits provided for hereunder; to provide for payment of benefits to widows and orphans, and widowed mothers of such members; and to provide for appeals from rulings of the Board of Trustees.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 379, H. 786, approved July 9, 1943 (Acts of Alabama Regular Session 1943 and Special Session 1943, p. 349), an act to establish a Policemen and Firemen's Retirement Fund in certain cities classified on a population basis; to provide for such fund, its sources, management and administration; to provide for a Board of Trustees and a Secretary-Treasurer thereof for such fund; to provide for the retirement and reinstatement of active or retired members of such departments and payment of benefits provided for hereunder; to provide for payment of benefits to widows, orphans or widowed mothers of such members; and to provide for appeals from rulings of the Board of Trustees is hereby amended to read as follows:

"An Act To establish in all cities having a population of not less than 50,000 nor more than 67,000, according to the 1960 or any subsequent federal decennial census a Policemen and Firemen's Retirement Fund, and to provide for a Board of Trustees and a Secretary-Treasurer thereof for such fund and to provide for their duties, powers and authority; to provide for the retirement and for reinstatement of active or retired members of such departments and payment of benefits provided for hereunder and payment of benefits to the widows, orphans, and widowed mothers of such members; to prescribe duties of the city attorney; to provide for payment of expenses by said Board of Trustees; and to provide for appeals from rulings of the Board of Trustees."

Section 2. Section 1 of Act No. 379, H. 786, approved July 9, 1943, is hereby amended to read as follows:

"Section 1. In all cities having a population of not less than 50,000 nor more than 67,000 according to the 1960 or any subsequent federal decennial census there is hereby created in connection with the regularly organized and paid police department and fire department of such cities a 'Board of Trustees of the Policemen and Firemen's Retirement Fund' by which name the said board shall be known and called, to be composed as hereinafter provided and to be selected as hereinafter provided and directed; and in such cities there is hereby created a Policemen and Firemen's Retirement Fund, for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 11:11 A.M.

Act No. 280

H. 457—Roberts, Reynolds (Madison).

AN ACT

To repeal Act No. 378, H. 785, approved July 6, 1943, entitled "An Act To provide for appeals from decisions of Civil Service Boards by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such populations according to any such census that may hereafter be taken and in which the police and fire departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, officers, and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws whether general, special or local, and whether codified or uncoded, in conflict with the provisions of this Act" (Acts of Alabama Regular Session 1942 and Special Session 1943, p. 347).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 378, H. 785, approved July 6, 1943, entitled "An Act To provide for appeals from decisions of Civil Service Boards by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may here-

after be taken and in which the police and fire departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, officers and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws whether general, special or local, and whether codified or uncoded, in conflict with the provisions of this Act" is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:12 A.M.

Act No. 281

H. 514—Meade.

AN ACT

To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 16,150 nor more than 17,350 inhabitants, according to the last or any subsequent federal decennial census, shall be entitled to receive the allowances provided for by Sections 144 and 145 of Title 45, Code of Alabama (1940), as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each and every month the sheriff shall furnish to the board of revenue, court of county commissioners, or like governing body of Etowah County, and to the Department of Finance and to the Department of Corrections, an itemized statement, verified by affidavit, giving a list of all state and county prisoners by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date committed, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month commencing after the date of its enactment.

Approved August 7, 1961
Time: 11:13 A.M.

Act No. 282

H. 516—Hanby, Copeland.

AN ACT

To repeal Act No. 53, H. 70, approved April 8, 1955, an act relating to the covering of certain employees of certain counties classified on a population basis under the Workman's Compensation Act (Acts of Alabama 1955, vol. I, p. 163).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 53, H. 70, approved April 8, 1955, entitled "An Act Relating to counties having a population of not less than 94,000 people, nor more than 134,000 people, according to the last Federal Decennial Census, or any subsequent Federal Decennial Census; requiring the Court of County Commissioners, Board of Revenue, or like governing bodies of said counties to cover, or cause to be covered certain employees of said counties, or any agency or instrumentality thereof, including the employees of elected officials, under the Workmen's Compensation Act" (Acts of Alabama 1955, vol. I, p. 163), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:14 A.M.

Act No. 283

H. 518—Hanby, Copeland.

AN ACT

To repeal Act No. 712, H. 1144, and Act No. 731, S. 534, both of which acts were approved September 20, 1957, and relate to the incorporation of airport authorities as public corporations in the same certain counties classified on a population basis (Acts of Alabama 1957, vol. II, pp. 1094 and 1138, respectively).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 712, H. 1144, and Act No. 731, S. 534, both of which acts were approved September 20, 1957 and are entitled "An Act To authorize and make provision for the incorporation, in any county of the State of Alabama having a population of not less than 94,000 nor more than 134,000 according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining,

developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating building, structures and facilities suitable for use as retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with certain powers of eminent domain; to provide that any county and any city in any county for which an authority has been organized under this act may aid and cooperate in the planning, undertaking construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer money, real property, personal property, mixed property or any right capable of transfer to such authority; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agents, servants or employees: to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments: to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the use to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom, the property of said authority, and the business and activities conducted or engaged in by said authority; to authorize the investment of municipal and county funds in bonds of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge, and indenture and the proceedings authorizing the same; to provide that the provisions

of this act shall be cumulative; to provide for audits of the books and accounts of the authority and to provide that the provisions of this Act shall be severable" (Acts of Alabama 1957, vol. II, pp. 1094 and 1138, respectively), are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:15 A.M.

Act No. 284

H. 519—Hanby, Copeland.

AN ACT

To authorize and make provision for the incorporation, in any county of the State of Alabama having a population of not less than 100,000 nor more than 115,000 according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating building, structures and facilities suitable for use as retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with certain powers of eminent domain; to provide that any county and any city in any county for which an authority has been organized under this act may aid and cooperate in the planning, undertaking construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer money, real property, personal property, mixed property or any right capable of transfer to such authority; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agents, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the use to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom, the property of said authority, and the business and activities conducted or engaged in by said authority; to authorize the investment of municipal and county funds in bonds of the authority; to provide that said bonds shall be legal investments for

fiduciaries and savings banks and insurance companies; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge, and indenture and the proceedings authorizing the same; to provide that the provisions of this act shall be cumulative; to provide for audits of the books and accounts of the authority and to provide that the provisions of this act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties of this State which have populations according to the last or any subsequent federal decennial census of not less than 100,000 nor more than 115,000 inhabitants.

Section 2. DEFINITIONS: When used in this act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Aircraft” any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for use primarily as safety equipment.

“The Authority” means a corporation or authority organized pursuant to the provisions of this act.

“Board” means the Board of Directors of the Authority.

“Major Municipality” or “Major City” means the incorporated city in the county having the largest number of inhabitants of any city in the county according to the last or any subsequent federal decennial census.

“Minor Municipality” or “Minor City” means any incorporated city in the county other than the city in the county having the largest number of inhabitants according to the last or any subsequent federal decennial census.

“The County” means any county in which the provisions of this act apply.

“Governing Body” means the council, Board of Commissioners or other like body in which the legislative functions of the municipality or county are vested by law.

“The State” means the state of Alabama.

“Bond” means any bond authorized to be issued pursuant to the provisions of this act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the authority as security for any bonds.

“Airport” shall mean any area of land or water which is used or intended for use, for the landing, taking-off, storage, parking or dispersal of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings, facilities or right-of-ways, together with all airport buildings, structures and facilities located thereon.

“Air Navigation Facility” shall mean any facility used in, available for use in, or designed for use in aid of air navigation, including any structure, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

“Airport Facility” shall mean any building, structure, land, right-of-way, equipment or instrumentality used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the authority.

“Airport Building” shall mean any building used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the authority.

“Heliport” an airport designed primarily for use by helicopters.

“Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

Section 3. AUTHORITY AND PROCEDURE TO INCORPORATE. Whenever any three natural persons shall file with the governing body of the county and with the governing body of the major and minor cities in the county an application in writing for authority to incorporate a public corporation under the provisions of this act, and if the governing body of such county and the governing body of such cities shall each duly adopt a resolution, which shall be entered upon the minutes

respectively of such governing bodies, wherein it shall be declared that it will be wise, expedient and necessary that such a corporation be formed and that the persons filing such application shall be authorized to proceed to form such corporation, then said persons shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner hereinafter provided. No authority shall be formed hereunder unless the application herein provided for shall be made and unless the resolutions herein provided for shall be adopted.

Section 4. **CONTENTS OF CERTIFICATE OF INCORPORATION.** The certificate of incorporation of the authority shall state: (a) The names of the persons forming the authority, together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the county. (b) The name of the authority (which shall be "THE (NAME OF MAJOR CITY AND STATE) AIRPORT AUTHORITY" or some other name of similar import); (c) The period for the duration of the authority which shall be perpetual; (d) The location of its principal office which shall be in the county; (e) The number of directors which shall be five; (f) That such authority shall have all the rights, powers, privileges, duties and immunities as provided in this act; (g) That the authority is a governmental organization performing governmental and public functions and shall not in any respect be deemed to be a private business corporation or a public utility; and (h) any other matters relating to the authority that the incorporators may choose to insert and that is not inconsistent with this act or with the laws of the state. The form and contents of the certificate of incorporation of the authority must be submitted to and approved by the governing body of the county, and of the major and minor cities, which approval shall be evidenced by a resolution duly entered upon the minutes of such governing body.

Section 5. **EXECUTION AND RECORDING OF CERTIFICATE OF INCORPORATION.** The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments of deeds and shall have attached thereto a certified copy of the resolution provided for in the preceding Section 4 of this act and a certificate by the Secretary of the State that the name proposed for the authority is not identical with that of any other corporation organized under the laws of the state, or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the authority, together with the documents required by the pre-

ceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county, who shall forthwith receive and record the same. When such certificate of incorporation and attached documents have been so filed, the authority referred to therein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the state under the name set forth in such certificate of incorporation, whereupon the authority shall be vested with the rights and powers herein granted.

Section 6. BOARD OF DIRECTORS OF THE AUTHORITY. The authority shall have a Board of Directors composed of five directors as provided in the certificate of incorporation. All powers of the authority shall be exercised by the board or pursuant to its authorization. The directors shall be residents of the county and shall be elected for staggered terms of office as follows: Director number one shall be elected by the governing body or governing bodies of any minor city or cities within the county for an initial term of one year; director number two and director number four shall be elected by the governing body of the county for initial terms of two years and four years, respectively; director number three and director number five shall be elected by the governing body of the major city for initial terms of three years and five years, respectively; and thereafter the term of office of each director shall be five years and until his successor is appointed. If any director resigns, dies or becomes incapable of acting as a director, the governing body having elected such a director shall elect a successor to serve the unexpired portion of his term. In the event a successor is not appointed by such governing body within six months from the date of the vacancy, the remaining directors shall have the authority to name a replacement. Directors shall be eligible for re-election to succeed themselves in office. No director shall be an officer of the state, county, or city. No director or employee shall be interested directly or indirectly in any contract for work, material, or the profits thereof, or services to be performed for the authority; provided, however, that it shall be immaterial that an officer or employee of the authority may be an officer, director or stockholder of a bank or trust company which may purchase the bonds or notes of the authority or make loans to it or act as paying agent for the principal and interest of any bonds or other obligations of the authority, or serve as trustee under an indenture securing the payment of bonds of the authority. A majority of the members of the board shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single di-

rector if such director is the only director present at such meeting. Any matter which the Board of Directors is authorized to act upon may be acted upon at any regular or called meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. The members of the board shall serve without compensation, except that they may be reimbursed for actual expenses incurred in and about the performance of their duties when authorized by the board.

Section 7. OFFICERS OF THE AUTHORITY. The officer of the authority shall consist of a chairman, vice-chairman, a secretary, a treasurer, and such other officers as the board shall deem necessary to accomplish the purposes for which the authority was organized. The offices of secretary and treasurer may be held by the same person. The chairman and vice-chairman of the authority shall be elected by the board from its membership the treasurer, secretary and other officers of the authority need not be members of the board but shall be elected by the board. The Chairman, vice-chairman, secretary, treasurer or secretary-treasurer and other officers authorized by this section shall serve as such officers at the pleasure of the board. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as are set by the board.

Section 8. POWERS OF THE AUTHORITY—IN GENERAL. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which shall be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and actions, excepting actions in tort against the authority; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage the same; (6) to execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this act or the exercise of any authority or power granted hereunder; (7) to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, within the county, including the acquisition, construction, installation, equipment, maintenance, and operations at such airports of buildings and other facilities for the servicing of aircraft or for

the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties; (8) to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known) landing, loading or storage areas and transportation terminals; (9) to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate buildings, structures and facilities, suitable for use as retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve; (10) to furnish or supply upon any airport, heliport or aircraft landing area, owned, operated by or under the jurisdiction of the authority, to persons and aircraft thereon, for reward or compensation, goods, commodities, area, facilities and services convenient or useful to the owners, operators and users of aircraft, and to persons upon said airport, heliport or aircraft landing area, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings, space for buildings and structures, and the services of mechanics, instructors and hostlers; (11) to confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport or aircraft landing area owned, operated by or under the jurisdiction of the authority, all or any part of the goods, commodities, things, services and facilities in sub-paragraph (10) of this section authorized to be supplied; (12) to acquire, by purchase, gift, devise, lease, or otherwise, existing airports and air navigation facilities in the county; (13) to borrow money for any corporate purpose and to issue in evidence of such borrowing interest bearing revenue bonds payable from the limited sources hereinafter referred to; (14) to pledge for payment of such bonds any revenue and funds from which such bonds are made payable; (15) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the authority was organized; (16) to exercise the power of eminent domain in the manner provided by the General Laws of the State or as may be provided by any amendment thereof for the exercise of such power, with

respect to any property, real, personal or mixed, including property already devoted to public use, or any interest in property, including property already devoted to public use, that the authority may determine to be reasonably necessary for the extension, maintenance, operation, protection, enlargement, improvement or preservation of an existing airport or existing airport facility; (17) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other persons as the business of the authority may require, including the power to fix working conditions by general rule and other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them and to employ and discharge servants, agents, employees and officers at will; (18) to fix, establish, collect and alter landing fees, tolls, rents and other charges for the use of any airport, heliport, landing area, building, structure, facility or other property owned or controlled by the authority; (19) to make and enforce rules and regulations governing the use of any airport, heliport, landing area or airport facility owned or controlled by the authority; (20) to provide for such insurance as the board may deem advisable; (21) to invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America or in bonds of the State of Alabama or any municipality thereof; (22) to cooperate with the state of Alabama, any department or agency of the State of Alabama, any county of the state, any municipality of the state and any other political subdivision of the state, and to make such contracts with such agencies as the board may deem advisable; (23) to sell and convey any of its real, personal or mixed property or properties that may have become obsolete or worn out or that may no longer be needed or useful in connection with, or in the operation of, the airport or facility with respect to which they were acquired; provided, however, that the authority shall not have the power to sell or convey and shall not sell or convey any rights, title or interest in or to any real property which was acquired from any municipality without the consent of the municipality from which the property was acquired, to such sale or conveyance; said consent to be evidenced by resolution duly entered on the minutes of the governing body of such municipality; (24) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any airport, heliport or airport facility from the United States of America or any agency

thereof, and from the State of Alabama, any department or agency thereof, any county of the state, any municipality of the state, or other political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; (25) to purchase equipment and supplies necessary or convenient for the exercise of any power of the authority; (26) to borrow money on such terms as are acceptable to the authority for any corporate purpose and execute and deliver its promissory note or notes, and such other agreements within the provisions of this act as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness; (27) to enter into a management agreement or agreements with any political subdivision of the state for the management by the Authority of any airport or other facilities useful to the Authority upon such terms and conditions as may be agreed upon between the Authority and such political subdivision.

Section 9. POWERS OF THE AUTHORITY-MISCELLANEOUS. The Authority and its authorized agents and employees may enter upon any lands, water or premises for the purpose of making such surveys, soundings, drillings and examinations as it may deem necessary or convenient to the efficient accomplishment of the purposes for which it was organized. Such an entry shall not be deemed a trespass or an entry under any condemnation proceedings that may then be pending. The authority shall make reimbursement for any actual damages resulting to such lands, water and premises as a result of such activities, which damages shall be deemed a part of the cost of the airport or airport facility with respect to the development of which they were sustained.

Section 10. FEDERAL AND STATE AID. The authority is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this state and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by law.

Section 11. COUNTIES AND MUNICIPAL CORPORATIONS.

1. For the purpose of aiding and cooperating in the plan-

ning, undertaking, construction, or operation of airports, heliports and air navigation facilities pursuant to the provisions of this act the county or any city located in the County with or without consideration, and upon such terms as it may determine, may;

(a) Donate, sell, convey, transfer, or lease any land, property, or grant any easement, license, or lease which it may own to the authority; Provided, that if the county or any municipality in the county has bonds, warrants, or other obligations outstanding the proceeds of which were used in acquiring any lands for use of the airport, and such lands are without consideration conveyed to the authority under this section, the county and the municipalities in the county shall participate in the payment of the balance due on such bonds, warrants, or other outstanding obligations in the proportion set out in Paragraph 2 of this section;

(b) Donate, sell, convey or lease any airport, airport property, heliport or heliport property or any interest therein owned by it to the authority;

(c) Donate, sell or convey to the authority any right, title or interest it may have in any lease, contract, agreement, license or grant, involving any property owned by such County or City.

2. Neither the county nor any municipality in the county shall appropriate any money as a gift or grant to the authority or furnish or give to the authority without adequate consideration any land hereafter acquired, any services, utilities or materials or the cost thereof unless the county, the major municipality in the county, and the minor municipalities in the county jointly contribute or participate in such gift, grant or cost of acquiring land, furnishing such services, utilities, or materials on the following basis: the major city shall contribute 50% of such gift, grant or cost; minor cities in the aggregate shall contribute 4% of such gift, grant or cost; and the county shall contribute 46% of such gift, grant or cost. Subject to the above requirements that the county and the municipalities in the county jointly participate, in the proportion aforesaid, in such gift or grant of money or cost of acquiring land or furnishing such services, utilities or materials to the authority without receiving from the authority adequate consideration therefor, the county and any municipality in the county, and upon such terms as it may determine, may:

(a) Lend or donate money to the authority;

(b) Cause water, sewer, or drainage facilities, or any

other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports or air navigation facilities;

(c) Furnish, dedicate, close, pave, repair, install, grade, re-grade, plan or replan streets, roads, roadways, and walks from established streets or roads to such airport or air navigation facilities; or abutting or adjacent to such airports or air navigation facilities;

(d) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports, heliports and air navigation facilities;

(e) Enter into agreements with the authority respecting action to be taken by the county or any municipality pursuant to the provisions of this act or any section thereof.

Section 12. SUITS AGAINST THE AUTHORITY OR ANY DIRECTOR. No action or suit shall be brought or maintained against the authority or any director thereof, for or on account of the negligence of such authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any airport, heliport or other facility, owned or controlled by the authority.

Section 13. BONDS OF THE AUTHORITY. (a) The authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on any such bonds shall be payable solely from, and may be secured by the pledge of, the revenues derived from the authority from the operation of any or all of its airports, heliports, facilities and other property, remaining after payment of the costs of operating and maintaining the same. None of the bonds of the authority shall ever constitute an obligation or debt of the state, the county or any city in the county, of a charge against the credit or taxing powers of the state, the county or any city in the county. Bonds of the authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the state, and may bear interest at such rate or rates not in excess of the legal rate, payable and evidenced in such manner, all as shall not be inconsistent with

the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having specified a maturity more than ten years after its date shall be made subject to redemption at the option of the authority at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the authority may be sold at either public or private sale in such manner and from time to time as may be determined by the board to be most advantageous. The authority may pay all expenses, premiums, fees and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this act with recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. All bonds issued under the provisions of this act shall be and hereby are declared to be negotiable instruments under the laws of the state despite the fact that they are payable from a limited source.

Section 14. EXECUTION OF BONDS. All bonds shall be signed by the chairman or vice-chairman and the treasurer of the authority and the seal of the authority shall be affixed thereto, but a facsimile of the signature of such chairman or vice-chairman may be impressed on any such bonds in lieu of his manually signing the same, in which case only the manual signature of the treasurer shall be required. Coupons shall be signed by the chairman or vice-chairman and the treasurer of the authority, but a facsimile of the signature of such chairman or vice chairman and the treasurer may be impressed on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 15. SECURITY FOR BONDS. In the discretion of the issuing authority any bonds may be issued under and secured by an indenture between the authority and a corporate trustee, which may be any trust company or bank having trust powers, whether such bank or trust company is located within or without the state. In any such indenture or resolution providing for the issuance of bonds the authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and the proceeds derived from the sale of such bonds

and may assign, as security for such payment, any of its leases, franchises, permits and contracts; provided, however, that such indenture or resolution shall not convey or mortgage (except to the extent provided hereinafter in this section) any airport, heliport, building or facility or part thereof. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its airports, heliports, buildings or facilities, the authority shall have the power to agree to provisions customarily contained in instruments securing evidence of indebtedness, including without limiting the foregoing provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building or structure owned by the authority, the creation and maintenance of special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this act. If there be any default by the authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture and the collection, segregation and application of revenues therefrom; provided that any such indenture shall not be subject to foreclosure and shall not be construed so as to authorize the sale of any property covered thereby or any part thereof in satisfaction of the bonds secured thereby. The indenture may contain provisions regarding the rights and remedies of any trustee thereunder and the holders of the bonds and the coupons, and may contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 16. USE OF PROCEEDS FROM SALE OF BONDS. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the

airport and facilities with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such airport and facilities; the cost of the labor, material and supplies used in any such construction, improvement or enlargement, including architect's, engineer's and fiscal consultant's fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the airport and facilities; the cost of landscaping the lands forming a part of such airport and facilities and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection with the airport and facilities; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with such airport and facilities; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and the repayment of any money borrowed by the authority (except upon its revenue bonds) for such purpose or purposes. If any of the proceeds derived from the sale of said bonds remain undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of the bonds of the same issue, either through purchase of bonds in open market or through the redemption privilege of the authority.

Section 17. REFUNDING BONDS. The authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and interest on any bonds of the corporation theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem or retire the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to bonds of the au-

thority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the authority.

Section 18. EXEMPTION FROM TAXATION. The bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state. All property of the authority shall be exempt from state, county and city taxation; and the authority shall be exempt from license or privilege taxes levied by the state, county or city upon any business or activities conducted or engaged in by said authority; provided, however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators, or lessees of the authority from the payment of any taxes, including licenses or privilege taxes levied by the state, county or city.

Section 19. REMEDIES ON DEFAULT. If there be any default in the payment of the principal of or interest on any bonds issued hereunder, then the holder of any of the bonds and of any of the interest coupons applicable thereto and the trustee under any indenture, or any one or more of them, (a) may either at law or in equity, by suit, action, mandamus, or other proceeding, compel performance of all duties of the officers and directors of the authority with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the authority contained in the proceedings under which they were issued, and (b) regardless of the sufficiency of the security for the bonds in default and as a matter of right, shall be entitled to the appointment of a receiver to administer and operate the airport and other properties of the authority out of the revenues from which the bonds issued with respect thereto are payable, with power to make leases and fix and collect rents, tolls and fees sufficient to provide for the payment of the principal and interest on the bonds and any other obligations outstanding against the airport and facilities or the revenues therefrom and for the payment of the expenses of operating and maintaining the airport and facilities, and with power to apply the income therefrom in accordance with the provisions of the proceedings under which the bonds were authorized to be issued. The remedies herein specified shall be cumulative to all other remedies which may otherwise be available for the benefit of the holders of the bonds and the coupons applicable thereto.

Section 20. INVESTMENT OF MUNICIPAL FUNDS IN BONDS OF THE AUTHORITY. The governing body of any municipality or any county of this state is authorized in its discretion to invest in bonds of the authority.

Section 21. ELIGIBILITY OF BONDS AS INVESTMENT

FOR TRUST FUNDS. Bonds issued under the provisions of this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the state.

Section 22. NOTICE OF BOND RESOLUTION. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published in the major municipality, or if there is no newspaper published in the major municipality, then in a newspaper published in the county, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the authority: "....., a public corporation and a political subdivision of the state of Alabama, on the day of, authorized the issuance of \$....., principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same, of the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceeding for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of the pledge and indenture made therefor, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds, or the said pledge or indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 23. AUDITS. At least once every twelve months subsequent to the formation of the authority, the authority shall appoint and employ a Certified Public Accountant who shall make an examination in detail of all books and accounts of the authority since the preceding examination and make a full report thereof in writing to be submitted to the authority and spread upon its minute book at the first meeting of the board after the receipt of said report. A copy of each such report shall on request be furnished to the county and to any municipality in the county.

Section 24. **TREASURER'S BOND.** The Treasurer of the Authority shall give bond in such sum as the authority may prescribe for the faithful performance of his duties and the safe custody of the funds of the authority, which bonds shall be executed by a surety company authorized to engage in the surety business in the state of Alabama and satisfactory to the board and the premium on such bond shall be paid out of the funds of the authority. The Treasurer shall keep books showing accurately the financial condition of the authority.

Section 25. **PROVISIONS CUMULATIVE.** This act shall not be construed as a restriction or limitation upon any power, right or remedy which any municipality or any corporation or authority now in existence or hereafter formed may have in the absence thereof, and shall be construed as cumulative and independent thereof.

Section 26. **SEVERABILITY.** This act is hereby declared to be severable. Should any section or provision hereof be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections hereof.

Section 27. **EFFECTIVE DATE.** This act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 11:16 A.M.

Act No. 285

H. 520—Hanby, Copeland.

AN ACT

To repeal Act No. 718, H. 1052, approved September 5, 1951, an act fixing the salaries of the chairman and associate members of the civil service boards of certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. II, p. 1259).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 718, H. 1052, approved September 5, 1951, entitled "An Act Relating to counties having a population of not less than ninety three thousand nine hundred nor more than one hundred thirty seven thousand inhabitants; fixing the salaries of the chairman and associate members of the civil service boards of such counties" (Acts of Alabama 1950-1951, vol. II, p. 1259), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:17 A.M.

Act No. 286

H. 521—Hanby, Copeland.

AN ACT

Relating to counties having a population of not less than 100,000 nor more than 115,000 inhabitants; fixing the salaries of chairman and associate members of the civil service boards of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. The chairman of the civil service board of any such county having a civil service board shall receive an annual salary of three hundred dollars (\$300) and each associate member thereof shall receive an annual salary of two hundred dollars (\$200). The salaries of the chairman and associate members shall be paid quarterly out of the county treasury.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:18 A.M.

Act No. 287

H. 522—Copeland, Hanby.

AN ACT

To repeal Act No. 225, H. 735, approved August 8, 1955, an Act regulating further the fees and costs entitled to registers in certain cases relating to domestic relations in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 534).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 225, H. 735, approved August 8, 1955, entitled "An Act To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama 1955, vol. I, p. 534), is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:19 A.M.

Act No. 288

H. 523—Copeland, Hanby.

AN ACT

To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The register of the circuit court in all counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census, shall be entitled to the following fees in addition to the fees now provided by law for the following services in such cases, to-wit: where divorce, alimony, maintenance or support is sought, for receiving, keeping, paying out or disbursing or distributing money paid in installments for alimony or for maintenance or support of husbands, wife, child or children, person or persons, five percent on all installments not exceeding one hundred dollars, and one and one-half percent on the amounts of installments in excess of one hundred dollars.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:20 A.M.

Act No. 289

H. 524—Hanby, Copeland.

AN ACT

To repeal Act No. 526, H. 1108, approved November 18, 1959, an act relating to the fixing of supplemental salaries of circuit solicitors in certain judicial circuits composed of one county classified on a population basis (Acts of Alabama 1959, vol. II, p. 1301).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 526, H. 1108, approved November 18, 1959, entitled "An Act To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties" (Acts of Alabama 1959, vol. II, p. 1301), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:21 A.M.

Act No. 290

H. 525—Copeland, Hanby.

AN ACT

To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 100,000 people and is less than 115,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all judicial circuits of Alabama composed of one county where the population of such county exceeds 100,000 people and is less than 115,000 people according to the last or any succeeding United States decennial census a supplemental salary of fifteen hundred (\$1,500) dollars per annum shall be paid out of the county treasury of such county composing such circuit to the circuit solicitor of such circuit in twelve equal installments as supplemental salary to that paid by the State of Alabama and that said supplemental salary shall begin at the beginning of the next term of such circuit solicitor in January, 1963.

Section 2. All laws and parts of laws in conflict herewith be and they are hereby repealed.

Section 3. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:22 A.M.

Act No. 291

H. 526—Copeland, Hanby.

AN ACT

To repeal Act No. 68, H. 56, approved February 24, 1959, an act relating to the increase in compensation and additional duties of circuit clerks in certain counties classified on a population basis (Acts of Alabama 1959, vol. I, p. 118).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 68, H. 56, approved February 24, 1959, entitled "An Act To impose extra, new, and additional duties upon the Circuit Clerks of any county of the State having a population of not less than 94,000 (ninety-four thousand) nor more than 134,000 (one hundred thirty-four thousand) inhabitants; to provide additional compensation for the performance of such

duties; and to provide for the payment of the same" (Acts of Alabama 1959, vol. I, p. 118), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:23 A.M.

Act No. 292

H. 527—Copeland, Hanby.

AN ACT

To impose extra, new, and additional duties upon the circuit clerks of any county of the State having a population of not less than 100,000 nor more than 115,000 inhabitants; to provide additional compensation for the performance of such duties; and to provide for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now imposed upon them by law, the following extra, new, and additional duties are hereby imposed upon the circuit clerks of any county in this State having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last federal census, or any subsequent decennial census of the population of the United States:

(a) The circuit clerk shall maintain and keep current information on all regulations and bulletins issued by the federal government pertaining to the issuance of passport applications, and in addition must supply all applicants with an international immunization form, which is provided by the United States Public Health Service.

(b) The circuit clerk shall issue passport applications to any person desiring the same, provided that person is entitled by federal statutes to receive an application.

Section 2. The compensation to the circuit clerk for issuing a passport application shall be two dollars (\$2.00), the amount allowable by federal statutes. The circuit clerk shall, at the end of each month, draw a check upon the funds of the office of the circuit clerk for all monies collected for the issuance of **passport** applications, and make check payable to himself. The additional compensation which the circuit clerk receives as a result of the provisions of this act over and above the compensation now provided by law is hereby declared to be compensation for the performance of the extra, new, and additional duties hereby imposed upon them.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:24 A.M.

Act No. 293

H. 528—Copeland, Hanby.

AN ACT

To repeal Act No. 719, H. 1053, approved September 5, 1951, an act authorizing the county governing body of any of certain counties classified on a population basis to pay the premiums on the official bonds of certain county employees (Acts of Alabama 1950-1951, vol. II, p. 1260).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 719, H. 1053, approved September 5, 1951, entitled "An Act Relating to counties having a population of not less than ninety-three thousand nine hundred nor more than one hundred thirty-seven thousand inhabitants; authorizing the county governing body to pay the premiums on the official bonds of certain county employees" (Acts of Alabama 1950-51, vol. II, p. 1260), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:25 A.M.

Act No. 294

H. 569—Ramey, Avery.

AN ACT

To amend further Section 30½ of Act No. 653, H. 489, approved September 20, 1957, regulating the practice of cosmetology (Acts of Alabama 1957, vol. II, p. 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, vol. II, p. 981), as amended, is amended further to read as follows:

"Section 30½. The provisions of this Act shall not apply to any county having a population of 400,000 or more, any county having a population of not less than 12,500 nor more than 13,500, any county having a population of not less than 18,000 nor more than 18,100, any county having a population of not less than 19,500 nor more than 20,000, any county having a population of not less than 27,000 nor more than 30,000, nor any county having a population of not less than 47,000 nor more

than 52,000, according to the last or any subsequent federal decennial census."

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:57 A.M.

Act No. 295

H. 529—Hanby.

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants; authorizing the county governing body to pay the premiums on the official bonds of certain county employees.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. The county governing bodies of such counties are hereby authorized to pay from county funds the premiums on the official bond of any county employees who are required to make a bond and who handle or have custody of county monies.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:26 A.M.

Act No. 296

H. 530—Copeland, Hanby.

AN ACT

To repeal Act No. 506, S. 482, approved September 3, 1953, an act to provide an assistant coroner for certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 636).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 506, S. 482, approved September 3, 1953, entitled "An Act To provide an assistant coroner for counties having a population of not less than 94,000 nor more than 138,000 inhabitants according to the last federal census" (Acts of Alabama 1953, vol. I, p. 636), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:27 A.M.

Act No. 297

H. 531—Copeland, Hanby.

AN ACT

To provide an assistant coroner for counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent federal census, the coroner shall have the power to appoint an assistant coroner. The assistant coroner shall serve at the pleasure of, and be responsible to the coroner, shall have the same powers as the coroner and shall receive a salary of fifty dollars (\$50.00) per month to be paid in the same manner as other county officers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:28 A.M.

Act No. 298

H. 532—Copeland, Hanby.

AN ACT

To repeal Act No. 549, H. 885, approved September 9, 1953, an act authorizing the governing body of each of certain counties classified on a population basis to appoint a purchasing agent and establish a purchasing system for the county (Acts of Alabama 1953, vol. II, p. 763).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 549, H. 885, approved September 9, 1953, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 138,000 inhabitants according to the 1950 or any subsequent decennial census of the United States; authorizing the governing body of every such county to appoint a purchasing agent and establish a purchasing system for the county" (Acts of Alabama 1953, vol. II, p. 763).

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:29 A.M.

Act No. 299

H. 533—Copeland, Hanby.

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States; authorizing the governing body of every such county to appoint a purchasing agent and establish a purchasing system for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 100,000 inhabitants nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. The governing body of every such county is authorized to appoint a purchasing agent who may make all purchases of supplies, materials, equipment, and services other than personal services for the county. The purchasing agent shall receive such compensation for his services as may be prescribed by the governing body of the county, to be paid in the same manner as the salaries of other county officers and employees.

Section 3. The governing body of every such county is further authorized:

1) To establish standard specifications for such supplies, materials, equipment, and services other than personal services as may be needed and required by the several offices and departments of the county;

2) to require the heads of the several offices and departments of the county to prepare estimates of requirements, and to submit such estimates at such times as the governing body may prescribe, in order that the purchasing agent may consolidate such estimates into contracts for volume purchases;

3) to transfer among the county offices and departments surplus supplies, equipment, or materials, or to sell or exchange surplus or obsolete items after negotiating for the best sale or exchange;

4) to establish a system of competitive bidding;

5) to exempt from the requirement of central purchasing such purchases as those of perishable commodities, utility services, and commodities for which there is no competitive situation;

6) to provide for making purchases in cases of emergency; and

7) to promulgate such reasonable rules and regulations governing the acquisition of such supplies, materials, equipment, and services as will result in the award of purchases for the county to the vendors offering the best buy to the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:30 A.M.

Act No. 300

H. 534—Copeland, Hanby.

AN ACT

To repeal Act No. 558, H. 949, approved September 9, 1953, an act relating to annual appropriations for the preparation of public information releases in certain counties classified on a population basis (Acts of Alabama 1953, vol. II, p. 796).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 558, H. 949, approved September 9, 1953, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 135,000 inhabitants according to the last or any subsequent decennial census of the United States; requiring the governing body of every such county to appropriate annually the sum of three hundred dollars for the preparation of public information releases concerning the organization, functions, and expenditures of the offices and departments of the county" (Acts of Alabama 1953, vol. II, p. 796), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:31 A.M.

Act No. 301

H. 535—Copeland, Hanby.

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States; requiring the governing body of every such county to appropriate annually the sum of three hundred dollars for the preparation of public information releases con-

cerning the organization, functions, and expenditures of the offices and departments of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of every county having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent decennial census of the United States, shall appropriate annually, from the general fund of the county, the sum of three hundred dollars (\$300.00) to be used by the offices and departments of the county in preparing public information releases.

Section 2. The county offices, officials, and departments required to prepare reports for the public information shall include the following: Governing body of the county, office of the clerk of the governing body, judge of probate, judge of the circuit court, circuit solicitor, clerk of the circuit court, register of the circuit court, judge of the inferior court, sheriff, tax assessor, tax collector, board of equalization, board of registrars, jury commission, board of education, department of public welfare, board of health, county library, and coroner.

Section 3. The reports shall be written so as to give, as nearly as possible, the following information: Office or departmental organization, functions and responsibilities, amount of money expended during the last fiscal year, accomplishments during the last fiscal year, number of employees, problems encountered in the performance of duties, and recommendations and suggestions.

Section 4. Copies of each of the reports required by this act shall be transmitted to all local newspapers and radio stations. In addition, at least 100 copies of each report shall be mimeographed and made available to any interested group or individual.

Section 5. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:32 A.M.

Act No. 302

H. 536—Hanby, Copeland.

AN ACT

To repeal Act No. 78, H. 282, approved June 21, 1955, an act prescribing the time for opening and closing the polls in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 316).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 78, H. 282, approved June 21, 1955, en-

titled "An Act To apply in all counties having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent federal decennial census; prescribing the time for opening and closing the polls in such counties and the municipalities therein" (Acts of Alabama 1955, vol. I, p. 316), is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:33 A.M.

Act No. 303

H. 537—Copeland, Hanby.

AN ACT

To apply in all counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census; prescribing the time for opening and closing the polls in such counties and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census, the polls must be opened at each place of voting, in each precinct, between the hours of eight and nine o'clock in the morning, and shall be kept open without intermission or adjournment until the hour of six in the afternoon at all places of voting outside the limits of any incorporated municipality, and until seven o'clock in the evening in all incorporated cities and towns.

Section 2. This Act shall apply to all elections held in such counties or the municipalities therein, and all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:34 A.M.

Act No. 304

H. 538—Copeland, Hanby.

AN ACT

To repeal Act No. 82, H. 72, approved February 24, 1959, an act relating to the employment and compensation of a stenographic secretary by the judge of the inferior court in any of certain counties classified on a population basis (Acts of Alabama 1959, vol. I, p. 144).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 82, H. 72, approved February 24, 1959,

entitled "An Act To apply in all those counties in Alabama having a population of not less than 94,000 nor more than 134,000 according to the last or any subsequent Federal decennial census and to authorize the employment of a stenographic secretary by the Judge of the Inferior Court in such counties and authorizing the payment of the salary of such stenographic secretary out of the Treasury of such counties and to repeal all laws and parts of laws inconsistent with this Act" (Acts of Alabama 1959, vol. I, p. 144), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:35 A.M.

Act No. 305

H. 539—Copeland, Hanby.

AN ACT

To apply in all those counties in Alabama having a population of not less than 100,000 nor more than 115,000 according to the last or any subsequent federal decennial census and to authorize the employment of a stenographic secretary by the judge of the inferior court in such counties and authorizing the payment of the salary of such stenographic secretary out of the treasury of such counties and to repeal all laws and parts of laws inconsistent with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties of this state having a population of not less than 100,000 nor more than 115,000 according to the latest or any subsequent federal decennial census.

Section 2. The judge of the inferior court of all counties coming within the purview of this act, having such courts, may employ a stenographic secretary, whose salary shall be fixed by him at an amount not to exceed \$3,000.00 per annum to be paid in equal monthly installments out of the treasury of such counties.

Section 3. All laws and parts of laws in conflict with this act, local, general or special in so far as they conflict with this act are hereby expressly repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:36 A.M.

Act No. 306

H. 540—Copeland, Hanby.

AN ACT

To repeal Act No. 252, H. 725, approved August 13, 1957, an act relating to the payment of the automobile expenses of coroners in certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 325).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 252, H. 725, approved August 13, 1957, entitled "An Act Providing for the payment of the automobile expenses of coroners in counties having a population of not less than 94,000 nor more than 134,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. I, p. 325), is hereby repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:37 A.M.

Act No. 307

H. 541—Copeland, Hanby.

AN ACT

Providing for the payment of the automobile expenses of coroners in counties having a population of not less than 100,000 nor more than 115,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. That in each county having a population of not less than 100,000 nor more than 115,000, according to the last or any subsequent federal decennial census, the coroner, when he uses his personal automobile in the discharge of his official duties, shall be entitled to receive the sum of six hundred dollars (\$600.00) per annum, as reimbursement for the expense of operating such automobile. Such allowance shall be payable in equal monthly installments out of the general funds in the county treasury.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:38 A.M.

Act No. 308

H. 542—Hanby, Copeland.

AN ACT

To repeal Act No. 290, H. 837, approved August 16, 1957, an act

relating to the micro-filming, photostating or other photographic reproduction of books, records, papers and documents of municipalities in certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 368).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 290, H. 837, approved August 16, 1957, entitled "An Act To authorize and regulate the micro-filming, photostating or other photographic reproduction of books, records, papers and documents required to be maintained and kept by municipal clerks, municipal recorders, municipal police departments, and other agencies or other instrumentalities of all municipalities in counties in this State having a population of not less than ninety-four thousand nor more than one hundred thirty four thousand according to the last or any subsequent federal decennial census, the destruction or other disposition of the originals of such books, records, papers and documents, and the substitution of such reproductions for the originals thereof; prescribing the force and effect such reproductions shall have and providing for the certification of copies thereof" (Acts of Alabama 1957, vol. I, p. 368), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:39 A.M.

Act No. 309

H. 543—Copeland, Hanby.

AN ACT

To authorize and regulate the micro-filming, photostating or other photographic reproduction of books, records, papers and documents required to be maintained and kept by municipal clerks, municipal recorders, municipal police departments, and other agencies or other instrumentalities of all municipalities in counties in this State having a population of not less than 100,000 nor more than 115,000 according to the last or any subsequent federal decennial census, the destruction or other disposition of the originals of such books, records, papers and documents, and the substitution of such reproductions for the originals thereof; prescribing the force and effect such reproductions shall have and providing for the certification of copies thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties of this State which have a population according to the last or any subsequent federal decennial census of not less than 100,000 nor more than 115,000 inhabitants.

Section 2. All books, records, papers, or other documents required to be maintained or kept by the municipal clerk, municipal recorder, municipal police department, and any other agency or instrumentality of any municipality in any county to

which this act applies, may be micro-filmed, photostated or reproduced by some other similar photographic process. After any such book, record, paper or other document has been retained by the municipality for not less than two years and after the same has been so reproduced, the original thereof may be destroyed or disposed of in the manner prescribed by the municipal governing body and the microfilm, photostat or other photograph of the book, record, paper or other document, shall be retained and kept in lieu of the original book, record, paper or document required to be kept or maintained.

Section 3. Such microfilm copies, photostatic copies, or other similar photographic reproductions of such above named documents shall for all purposes be deemed to be and have the same force and effect of such documents themselves. A photostatic copy, a photographic reproduction, or a reproduction by other similar process or a typed or otherwise copied reproduction of the original micro-film, photostatic copy or other similar photographic reproduction of such document, duly certified by the person or officer of the municipality having custody of such original microfilm copy, photostatic copy, or other similar reproduction, must be received in evidence in all courts in the same manner and to the same extent as would be the duly certified copy of such documents themselves.

Section 4. Any party having the right to have any original book, record, paper or other document preserved by the municipal clerk, municipal recorder, municipal police department, or any other agency or instrumentality of any municipality, or to an inspection of such original book, record, paper or other document or any other rights in connection therewith shall have the same rights as to the photostat, photographic or microphotographic plate or film, or prints made therefrom, in the event the original has been disposed of, and the custodian of such plate or film shall provide for the ready location of particular records so reproduced on plate or film and shall provide a projector or other convenient means for viewing the records so reproduced by those entitled thereto; and said custodian shall furnish a legible print or copy of such plate or film to such persons as are entitled to a copy of the original record.

Section 5. It is hereby declared to be the legislative intent to permit the substitution of a photographic reproduction of any books, records, papers, or other documents in lieu of the original thereof and the destruction or other disposal of such original of any books, records, papers or other documents required by law to be kept by municipal clerks, municipal recorders, municipal police departments, and other agencies or other instrumentalities of all municipalities in all counties to which this Act applies after such books, records, papers or other documents are at

least two years old, provided they have been microfilmed, photostated or otherwise reproduced; and to give such photographic reproductions the same force and effect as the book, record, paper or other document which has been photographed and disposed of in accordance with this Act would have.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:40 A.M.

Act No. 310

H. 544—Hanby, Copeland.

AN ACT

To repeal Act No. 323, H. 867, approved August 20, 1957, an act relating to the spending of monies collected or on hand for the maintenance of the law library of the circuit court in certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 428).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 323, H. 867, approved August 20, 1957, entitled "An Act To provide that any monies heretofore or hereafter collected or on hand for the maintenance of the Law Library of the Circuit Court of any county in Alabama having a population of not less than 94,000 people and not more than 135,000 people, according to the last or any subsequent Federal decennial census shall be expended for the employment of, and salary for, a person or persons to act as librarian, for law books and furniture and equipment, and for other necessary maintenance of the Law Library of such Courts and for no other purpose" (Acts of Alabama 1957, vol. I, p. 428), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:41 A.M.

Act No. 311

H. 545—Copeland, Hanby.

AN ACT

To provide that any monies heretofore or hereafter collected or on hand for the maintenance of the law library of the circuit court of any

county in Alabama having a population of not less than 100,000 people and not more than 115,000 people, according to the last or any subsequent federal decennial census shall be expended for the employment of, and salary for, a person or persons to act as librarian, for law books and furniture and equipment, and for other necessary maintenance of the law library of such courts and for no other purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. That any monies now on hand and any monies heretofore or hereafter collected for the maintenance of the law library of the circuit courts of any county in Alabama having a population of not less than 100,000 people and not more than 115,000 people, according to the last or any subsequent federal decennial census, shall be expended by such circuit court by orders of the presiding judge thereof, for the employment of, and salary for, a person or persons to act as librarian; for buying law books and furniture and equipment and for other necessary maintenance for the law library of such circuit courts and for no other purpose.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall not apply to circuit courts in any county having a population of 115,000 or more people, according to the last or any subsequent federal decennial census, nor to circuit courts in any county having a population less than 100,000 people according to such census.

Section 4. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:42 A.M.

Act No. 312

H. 546—Copeland, Hanby.

AN ACT

To fix the supplemental salaries of circuit judges in judicial circuits in Alabama composed of one county where the population of such county exceeds 100,000 people and is less than 115,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all judicial circuits of Alabama composed of one county where the population of such county exceeds 100,000 people and is less than 115,000 people according to the last or any succeeding United States decennial census a supplemental salary of twenty-four hundred (\$2,400) dollars per annum shall be paid out of the county treasury of such county composing such circuit to each such circuit judge of such circuit in twelve

equal installments as supplemental salary to that paid by the State of Alabama.

Section 2. All laws and parts of laws in conflict herewith be and they hereby are repealed.

Section 3. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:43 A.M.

Act No. 313

H. 743—Jones (Monroe).

AN ACT

To provide for payment of salaries of deputy sheriffs from the highway and traffic funds of all counties having populations of not less than 22,350 nor more than 24,500.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 22,350 nor more than 24,500, according to the 1960 or any subsequent federal decennial census, the court of county commissioners, board of revenue or other like county governing body may provide for payment of the salaries of deputy sheriffs whose compensation is payable by the county from the county highway and traffic fund, it being the duty of deputy sheriffs to enforce highway and traffic laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1961

Time: 3:00 P.M.

Act No. 314

H. 547—Hanby, Copeland.

AN ACT

To repeal Act No. 699, S. 480, approved September 20, 1957, an act relating to fixing the supplemental salaries of circuit judges in judicial circuits composed of one county classified on a population basis (Acts of Alabama 1957, vol. II, p. 1060).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 699, S. 480, approved September 20, 1957, entitled "An Act To fix the supplemental salaries of Circuit Judges in Judicial Circuits in Alabama composed of one

county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties" (Acts of Alabama 1957, vol. II, p. 1060), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:44 A.M.

Act No. 315

H. 548—Hanby, Copeland.

AN ACT

To repeal Act No. 284, H. 796, approved August 23, 1955, an act relating to the disposition of the proceeds of the sale of contraband or forfeited property in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 649).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 284, H. 796, approved August 23, 1955, entitled "An Act To apply only in those Counties having a population of not less than 94,000 nor more than 134,000, according to the latest or any subsequent Federal Decennial Census and to provide further for the disposition of the proceeds of the sale of contraband or forfeited property and the distribution and disposition of the funds realized from such sales" (Acts of Alabama 1955, vol. I, p. 649), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:45 A.M.

Act No. 316

H. 550—Copeland, Hanby.

AN ACT

To fix the compensation of certain officers of counties having populations of not less than 100,000 nor more than 115,000 inhabitants and in which the Legislature is authorized to fix, regulate and alter the salaries of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States and in which the salaries of the circuit clerk, the sheriff, the tax assessor and the tax collector may be fixed, regulated and altered by the Legislature.

Section 2. The circuit clerk, the sheriff, the tax assessor and the tax collector of such counties shall each receive, in lieu of all other compensation heretofore provided for them, a salary of seven thousand five hundred dollars (\$7,500) per annum to be paid in equal monthly installments as the salaries of other county officers and employees are paid.

Section 3. This act shall supersede all other provisions of law fixing the compensation of these officers. Any law or provision thereof fixing the amount of the compensation due any one of the officers enumerated in Sections 1 and 2 of this act is hereby repealed and superseded and Acts No. 726, H. 1109, approved September 5, 1951 (Acts of Alabama, 1951, page 1277) and Act No. 679, S. 652, approved September 4, 1951 (Acts of Alabama, 1951, page 1170) are hereby expressly repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 11:46 A.M.

Act No. 317

H. 551—Copeland, Hanby.

AN ACT

To repeal Act No. 21, S. 106, approved June 10, 1957, an act relating to the fixing of compensation of certain officers in certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 54).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 21, S. 106, approved June 10, 1957, entitled "An Act To fix the compensation of certain officers of counties having a population of not less than ninety four thousand nor more than one hundred thirty four thousand inhabitants and in which the Legislature is authorized to fix, regulate and alter the salaries of such officers" (Acts of Alabama 1957, vol. I, p. 54), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:47 A.M.

Act No. 318

H. 552—Hanby, Copeland.

AN ACT

To repeal Act No. 287, H. 585, approved August 23, 1955, as amended, an act relating to the operation of certain cemeteries in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 652), and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 287, H. 585, approved August 23, 1955, as amended, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 134,000 inhabitants according to the last or any subsequent decennial census of the United States; regulating the business of operating certain cemeteries within such counties" (Acts of Alabama 1955, vol. I, p. 652), and all acts amendatory thereof are hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:48 A.M.

Act No. 319

H. 553—Copeland, Hanby.

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States; regulating the business of operating certain cemeteries within such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. When used in this act, the following words and phrases have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) The term "cemetery" means any land or structure located in any such county dedicated to and used, or intended to be used, for the interment of human remains, owned by any individual, association or corporation, other than a religious or municipal corporation or association, or state or federal government.

(b) "Lot", or "burial space" means a space in a cemetery to be used or intended to be used for interment of human remains.

(c) "Burial right" means a right of interment granted in writing by the owner of a cemetery.

(d) "Endowment care" means the cutting of the grass at

reasonable intervals, and the general preservation of the cemetery lots, and the cemetery grounds, walks and roadways, to the end that said grounds shall permanently remain and be reasonably cared for as cemetery grounds.

(e) The term "owner of a cemetery" and "cemetery owner" shall mean the person, firm, association or corporation who operates and conducts the business of such cemetery.

(f) The term "gross sale price" means the price the purchaser pays for the use of a cemetery lot.

Section 3. Subsequent to the effective date of this act, the owner of every cemetery located in any such county shall, before the granting and/or selling any burial rights in any part of its property, cause to be recorded in the office of the cemetery owner an accurate survey and plat of that part of its property in which it proposes to grant and/or sell burial rights; said survey and plat to show all lots, walks, and drives therein, all with descriptive names and/or numbers, and thereafter the same shall be held, occupied, and used exclusively for such purposes. Prior to the grant and/or sale of burial rights, all lots shall be permanently marked and shall be made suitable for burial in the area or section in which burial rights are to be granted and/or sold. Provided, however, that any such owner may vacate all or any part of such recorded plat in which no burial rights have been granted and/or sold by making and filing as above provided a new or altered plat and survey of such cemetery or portion thereof, but no such vacation or alteration of any such plat shall be valid which changes the portion of the cemetery in which any burial rights have theretofore been granted therein. Provided, however, that no plat or survey must be recorded until after a license has been duly issued by the proper licensing authority.

Section 4. The owner of every cemetery shall provide for the creation and establishment of an irrevocable endowment care fund, the principal of which shall permanently remain intact, and the net income only thereof shall be devoted to the care of said cemetery and which principal shall be known as the "endowment care fund" of such cemetery. This fund shall be created and established by the application and payment thereof of an amount equivalent to a minimum of fifteen (15%) percent of the gross sales price of all lots, plots or burial spaces sold subsequent to the effective date of this act.

From the sales price, or payment or payments thereon, said owner shall pay an amount according to the foregoing requirement in said care fund, which said payment shall be in cash

and shall be deposited with the custodian or trustee of the said fund not later than thirty (30) days after the close of the month in which payments on said sales are received. The endowment care fund shall be deposited, and held, in trust in a banking institution having trust powers, located in the county selected by the cemetery owner. The cemetery owner may enter into a contract with the banking institution for the management and investment of the endowment care fund, which contract may provide for the payment out of income from the fund of reasonable fees or commissions to the banking institution, having trust powers. Under no circumstances shall the cemetery owner or any person connected directly or indirectly with the said cemetery be permitted to borrow any portion of the said endowment care fund.

No license or permit to establish or extend a cemetery in the future shall be issued by the judge of probate and commissioners or by the mayor and council of an incorporated city or town within any such county, for the establishment or extension of a cemetery in the future unless and until the applicant for a license or permit therefor has submitted to the judge of probate and commissioners of the county, or the mayor and council of an incorporated city or town, as the case may be, a copy of the endowment care fund agreement or trust agreement which must be in conformity with the provisions of this act and which the cemetery owner proposes and agrees to enter into upon the granting of the said license. After the granting of the said license or permit to establish or extend the said cemetery, no change or alteration may be made in the terms of the endowment care fund agreement or trust agreement so approved unless the prior consent of the judge of probate and commissioners of the county, or the mayor and council of an incorporated city or town, as the case may be, has been obtained, provided however that this act shall not apply to cemeteries or the extension thereof where less than six (6) acres are involved and where the same is adjacent to a church, and all such cases shall be governed by Section 88 of Title 22 of the Code of Alabama of 1940.

Section 5. Any person who shall willfully violate any provision of this act, shall be guilty of a misdemeanor, and upon conviction of shall be fined not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, or shall be imprisoned not more than six months, or both.

Section 6. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 7. This act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 11:49 A.M.

Act No. 320

H. 554—Copeland, Hanby.

AN ACT

To repeal Act No. 51, H. 37, approved March 4, 1955, an act relating to the attendance of polio victims at public schools in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 84).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 51, H. 37, approved March 4, 1955, entitled "An Act To apply in, but only in counties having a population of not less than 94,000 nor more than 134,000, according to the last or any subsequent federal decennial census; to provide for the attendance of polio victims at the nearest public school without the payment of certain special fees" (Acts of Alabama 1955, vol. I, p. 84), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:50 A.M.

Act No. 321

H. 556—Hanby, Copeland.

AN ACT

To repeal Act No. 459, H. 878, approved September 9, 1955, an act relating to the levy of certain taxes when such a levy is approved at an election called for such purpose in certain counties classified on a population basis (Acts of Alabama 1955, vol. II, p. 1046).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 459, H. 878, approved September 9, 1955, entitled "An Act Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent decennial federal census; authorizing the court of county commissioners, board of revenue, or like governing body of any such county to levy additional privilege license and excise taxes for hospital and educational purposes, paralleling the state sales and use taxes provided for in Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended, when such a levy is approved at an election called for such purpose; providing for the ordering and holding of such election; providing for the collection of such taxes by the State Department of Revenue, and for the distribution of the proceeds thereof; providing for the enforcement of the Act; and

providing penalties for violations of the Act" (Acts of Alabama 1955, vol. II, p. 1046), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:51 A.M.

Act No. 322

H. 557—Copeland, Hanby.

AN ACT

To repeal Act No. 293, H 811, approved August 26, 1955, an act creating a hospital board in any of certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 686).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 293, H. 811, approved August 26, 1955, entitled "An Act Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census; creating a hospital board in any such county and prescribing the power, authority and jurisdiction of the board; providing for the appointment, terms, duties, power, authority and compensation of members of the board; authorizing the board to issue securities and mortgage and pledge its properties and revenues as security therefor; providing that securities of the board shall be negotiable instruments and shall be eligible for investment of trust funds; exempting from taxation all such securities, the income therefrom, any instrument executed as security therefor, and the income and properties of the hospital board; and authorizing any municipality in such counties to transfer and convey to such hospital board without consideration therefor hospitals, other public health facilities, and funds raised or allocated for hospital purposes" (Acts of Alabama 1955, vol. I, p. 686), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 11:52 A.M.

Act No. 323

H. 559—Hanby, Copeland.

AN ACT

To repeal Act No. 59, H. 78, approved April 13, 1955, an act relating to the authorization and compensation of certain probation officers in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 172).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 59, H. 78, approved April 13, 1955, entitled "An Act To authorize and empower the county governing body in any County of this State, having a population of not less than 94,000 and not more than 134,000, according to the last or any subsequent Federal Decennial Census, to employ one or more Probation officers, to work with Courts in such Counties having jurisdiction of juvenile offenders, and to authorize the payment of the salary and expenses of such Probation officer, and to authorize and empower municipalities in such Counties to join with such Counties in the payment of the salaries and expenses of such Probation officer" (Acts of Alabama 1955, vol. I, p. 172), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:53 A.M.

Act No. 324

H. 560—Copeland, Hanby.

AN ACT

To repeal Act No. 405, S. 511, approved August 15, 1951, an act relating to the appointment, duties, compensation, transportation and expenses of a humane officer in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 730).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 405, S. 511, approved August 15, 1951, entitled "An Act To provide for the appointment of a humane officer in all counties in this state which may now have or which hereafter have a population of ninety-six thousand people and less than one hundred forty-one thousand people according to the last Federal census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties" (Acts of Alabama 1950-1951, vol. I, p. 730), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:54 A.M.

Act No. 325

H. 561—Copeland, Hanby.

AN ACT

To repeal Act No. 424, S. 509, approved August 15, 1951, an act

relating to appropriations and expenditures to aid in the care of sick persons in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 758).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 424, S. 509, approved August 15, 1951, entitled "An Act To authorize all counties in the State of Alabama having a population of not less than 96,000 and not more than 141,000, according to the last Federal decennial census, or which shall hereafter have such population according to any Federal census, that may hereafter be taken, to make appropriations and expend out of their funds and revenues an amount not exceeding \$200.00 per annum to aid in the care of or for infirm sick persons, where such infirm sick persons are cared for within the corporate limits and police jurisdiction of any city situated within such county, who are unable to provide and care for themselves" (Acts of Alabama 1950-1951, vol. I, p. 758), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 11:55 A.M.

Act No. 326

H. 562—Copeland, Hanby.

AN ACT

To repeal Act No. 311, S. 411, approved July 31, 1951, as amended, an act relating to the regulation of the office of the sheriff in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 606), and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 311, S. 411, approved July 31, 1951, as amended, entitled "An Act To regulate the office of Sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last Federal census or any subsequent Federal census; to fix the compensation of the Sheriff of said counties and to provide for help and assistants and other expense necessary to the conduct of the office of sheriff; to provide for necessary quarters, books, stationery and other necessities necessary to the operation of said office; to provide that the Sheriff shall pay into the county treasury all costs, charges of the courts, fees and commissions authorized by law to be collected by the Sheriff; to provide that the Board of Revenue, or court of like jurisdiction, shall audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act; to exempt the Sheriff of such counties from court costs; to exempt the Sheriff from liability for acts of the

deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of Sheriffs, and to provide for the bond for the Sheriff and to provide for the payment of Sheriff's and deputies' bonds out of the county treasury; authorizing the Sheriff to appoint an attorney to advise or represent him, and to fix the compensation of said attorney to be paid out of the general fund of the county by the Board of Revenue or like governing body; and providing when and where this Act shall become effective" (Acts of Alabama 1950-1951, vol. I, p. 606), and all acts amendatory thereof are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time 11:56 A.M.

Act No. 327

H. 571—Perry, Hawkins, Morrow,
Rast, Locke, Edwards

AN ACT

To alter and re-arrange the boundary lines of the City of Birmingham, Jefferson County, Alabama, so as to exclude certain territory from within the boundaries of said municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Birmingham, Jefferson County, Alabama, be and the same are hereby altered and re-arranged, so as to exclude from within the corporate limits of said City the following described property, to-wit:

Begin at the N. E. corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 3, T-18-S, R-2-W thence run west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for 479.17 feet; thence $87^{\circ} 43'$ right and run north for 83.07 feet; thence $67^{\circ} 33'$ right and run northeasterly for 518.15 feet to a point on the west line of the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 34, T-17-S, R-2-W, said point being 300 feet north of the S. W. corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence $24^{\circ} 40'$ right and run east for 749.26 feet; thence $56^{\circ} 41'$ right and run southeasterly for 715 feet more or less to the northerly side of Shades Creek; thence run westerly, running along the northerly line of Shades Creek to the west line of the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 3, T-18-S, R-2-W; thence run north, running along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 11:58

Act No. 328

H. 572—Perry, Hawkins, Morrow,
Rast, Locke, Edwards.

AN ACT

To alter, re-arrange and extend the boundary lines and corporate limits of the City of Mountain Brook, in Jefferson County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Mountain Brook in Jefferson County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Begin at the N.E. corner of the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 3, T-18-S, R-2-W thence run west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for 479.17 feet; thence $87^{\circ} 43'$ right and run north for 83.07 feet; thence $67^{\circ} 33'$ right and run northeasterly for 518.15 feet to a point on the west line of the S.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 34, T-17-S, R-2-W, said point being 300 feet north of the S.W. corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence $24^{\circ} 40'$ right and run east for 749.26 feet; thence $56^{\circ} 41'$ right and run southeasterly for 715 feet more or less to the northerly side of Shades Creek; thence run westerly, running along the northerly line of Shades Creek to the west line of the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 3, T-18-S, R-2-W; thence run north, running along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 11:59 A.M.

AN ACT

To impose extra, new, and additional duties upon the members of the county governing body of any county of the State having a population of not less than thirty thousand five hundred fifty (30,550) nor more than thirty-one thousand (31,000) inhabitants; to provide additional compensation for the performance of such duties; and to provide for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now imposed upon them by law, the following extra, new, and additional duties are hereby imposed upon the members of the governing body of any county in this State having a population of not less than thirty thousand five hundred fifty (30,550) nor more than thirty-one thousand (31,000) inhabitants according to the 1960 federal decennial census, or any subsequent decennial census of the population of the United States, and two courthouses:

(a) The governing body of the county shall hold regular meetings during the second and fourth weeks in each month on a day to be determined, from time to time, by said body, and at such other times as are now provided by law.

(b) Each member of the county governing body shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the county governing body, from time to time, as may be necessary to keep said body informed as to the condition of the public roads and bridges in his district.

Section 2. The compensation of each member of the governing body of any county to which this Act applies shall be an annual salary of three thousand dollars (\$3,000), payable in equal monthly installments, which compensation shall be in lieu of all other compensation now provided by law. The additional compensation which the members of the county governing body receive as a result of the provisions of this Act over and above the compensation now provided by law is hereby declared to be compensation for the performance of the extra, new, and additional duties hereby imposed upon them. Each member shall also be allowed an amount not exceeding six hundred dollars (\$600) per annum for expenses, which shall be paid from any funds in the county treasury not otherwise appropriated, at such times and in such manner as the board may direct.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:00 Noon

Act No. 330

H. 593—Cook

AN ACT

To amend Act No. 409, H. 809, Regular Session 1955, which relates to the furnishing of equipment, supplies, and additional clerks to the tax assessors and tax collectors of certain counties classified according to population.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 409, H. 809, Regular Session 1955 (Acts of Alabama 1955, vol. II, p. 954) is amended to read as follows:

“An Act relating to counties having a population of not less than 30,500 nor more than 31,000 inhabitants according to the last or any subsequent decennial census of the United States, and having two court houses and a court of county commissioners; providing for the furnishing of equipment, supplies, and additional clerks to the tax assessor and the tax collector in such counties.”

Section 2. Section 1 of said Act No. 409 enacted at the Regular Session 1955 is amended to read:

“Section 1. This Act shall apply only to counties having a population of not less than 30,500 nor more than 31,000 inhabitants, according to the last or any subsequent decennial census of the United States, and having two court houses and a court of county commissioners.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:01 P.M.

Act No. 331

H. 594—Cook.

AN ACT

To repeal Act No. 814, S. 672, approved September 11, 1951, entitled, "An Act to impose extra, new, and additional duties upon the members of the county governing body of any county of the State having a population of not less than thirty thousand (30,000) nor more than thirty-three thousand five hundred (33,500) inhabitants; to provide additional compensation for the performance of such duties; and to provide for the payment of the same" (Acts of Alabama 1951, vol. II, p. 1447).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 814, S. 672, approved September 11, 1951, entitled, "An Act to impose extra, new, and additional duties upon the members of the county governing body of any county of the State having a population of not less than thirty thousand (30,000) nor more than thirty-three thousand five hundred (33,500) inhabitants; to provide additional compensation for the performance of such duties; and to provide for the payment of the same," (Acts of Alabama 1951, vol. II, p. 1447) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:02 P.M.

Act No. 332

H. 602—Bassett, Boyd.

AN ACT

To authorize the Court of County Commissioners of Pike County to provide a clerk of the Juvenile Court of said County, to be appointed by and to hold office at the pleasure of the Judge of said court, and to provide for the duties and compensation of such clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Pike County is hereby authorized to provide a clerk of the Juvenile Court of Pike County, to be appointed by and to hold office at the pleasure of the judge of said court, which clerk of the Juvenile Court may also serve as a probate clerk, and who shall be entitled to receive a salary to be fixed by the Court of County Commissioners not to exceed \$1800.00 per annum.

Section 2. All laws and parts of laws in conflict with the provisions hereof are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:03 P.M.

Act No. 333

H. 625—McCorquodale, Dunn.

AN ACT

To repeal Act No. 357, H. 761, approved August 17, 1953, an act relating to reimbursement of the county superintendents of education in certain counties classified on a population basis any sums expended in payment of certain premiums on surety bonds (Acts of Alabama 1953, vol. I, p. 425).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 357, H. 761, approved August 17, 1953, entitled "An Act To authorize and direct the board of education of any county having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census, to reimburse the county superintendent of education any sums expended by him in payment of premiums on surety bonds covering certain employees of the board of education" (Acts of Alabama 1953, vol. I, p. 425), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 12:06 P.M.

Act No. 334

H. 609—Gordon.

AN ACT

Providing further for the registration of voters in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Blount County may order the books of registration to be opened for the purpose of registering voters for a period not exceeding thirty working days in odd-numbered years in addition to the days provided for by Section 27, Title 17, Code of Alabama (1940), as amended, but such sessions shall be in lieu of the sessions authorized by Section 26, Title 17, Code of Alabama (1940), as amended.

Section 2. The members of the board of registrars are relieved of the duty of visiting precincts and voting places in the performance of their official duties as provided in Section 26, Title 17, Code of Alabama (1940), as amended.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:04 P.M.

Act No. 335

H. 612—Gordon.

AN ACT

Regulating the compensation of members of the jury commission in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in Blount County shall be paid the sum of ten dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. The warrants are to be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the commission shall not exceed the sum of two hundred dollars (\$200.00) for any one year of his term.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:05 P.M.

Act No. 336

H. 626—McCorquodale, Dunn.

AN ACT

To repeal Act No. 306, H. 696, approved October 15, 1959, an act to provide that clerks of county courts in certain counties classified on a population basis may take affidavits and complaints and issue warrants of arrest in misdemeanor cases (Acts of Alabama 1959, vol. 2, p. 878).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 306, H. 696, approved October 15, 1959, entitled "An Act To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more

than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases" (Acts of Alabama 1959, vol. 2, p. 878), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:07 P.M.

Act No. 337

H. 627—McCorquodale, Dunn.

AN ACT

To provide that clerks of county courts in all counties having a population of not less than 25,700, nor more than 25,900, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 25,700, nor more than 25,900, according to the most recent federal decennial census, the clerk of the county court may take affidavits and complaints in misdemeanor cases and may issue warrants of arrest in such cases returnable to the county court. And such complaints and warrants shall have the same legal force and effect as though the same had been taken or issued by the judge of the county court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:08 P.M.

Act No. 338

H. 628—McCorquodale, Dunn.

AN ACT

To repeal Act No. 241, H. 682, approved August 13, 1957, an act relieving the members of the boards of registrars in certain counties classified on a population basis of the duty of visiting precincts or voting places in the performance of their official duties (Acts of Alabama 1957, vol. I, p. 301).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 241, H. 682, approved August 13, 1957, entitled "An Act Relating to the registration of voters in counties having a population of not less than 26,000 nor more than 26,600, according to the last or any subsequent federal decennial

census; relieving the members of the boards of registrars in such counties of the duty of visiting precincts or voting places in the performance of their official duties," (Acts of Alabama 1957, vol. I, p. 301), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:09 P.M.

Act No. 339

H. 629—McCorquodale, Dunn.

AN ACT

Relating to the registration of voters in counties having populations of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census; relieving the members of the boards of registrars in such counties of the duty of visiting precincts or voting places in the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of each county having a population of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census, are relieved of the duty of visiting precincts and voting places in the performance of their official duties as provided in Section 26, Title 17, Code of Alabama (1940), as amended; and in lieu thereof shall meet at the courthouse and receive applications for registration from persons residing anywhere in the county for the same number of days as provided by law for visiting precincts for the purpose of registering voters.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:10 P.M.

Act No. 340

H. 630—McCorquodale, Dunn.

AN ACT

To fix the compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having populations of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the court of county commission-

ers, board of revenue or like governing body of any county having a population of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census, shall be entitled to receive a salary of three thousand nine hundred dollars (\$3,900) per annum, payable in equal monthly installments, out of any funds in the county treasury available for such purpose according to law. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:11 P.M.

Act No. 341

H. 631—McCorquodale, Dunn.

AN ACT

To repeal Act No. 204, H. 566, approved August 13, 1957, an act fixing the compensation of members of the county governing body of each of certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 263).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 204, H. 566, approved August 13, 1957, entitled "An Act To fix the compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 26,000 nor more than 26,600, according to the last or any subsequent federal decennial census," (Acts of Alabama 1957, vol. I, p. 263), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:12 P.M.

Act No. 342

H. 632—McCorquodale, Dunn.

AN ACT

To repeal Act No. 135, H. 557, approved July 12, 1957, an act authorizing the payment of the salaries of certain employees of certain counties classified on a population basis (Acts of Alabama 1957, vol. I, p. 182).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 135, H. 557, approved July 12, 1957,

entitled "An Act Relating to counties having a population of not less than 26,000 nor more than 26,600, according to the last or any subsequent federal decennial census; authorizing the payment of the salaries of certain employees of such counties on a semi-monthly basis," (Acts of Alabama 1957, vol. I, p. 182), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:13 P.M.

Act No. 343

H. 633—McCorquodale, Dunn.

AN ACT

Relating to counties having populations of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census; authorizing the payment of the salaries of certain employees of such counties on a semi-monthly basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or like governing body of each county having a population of not less than 25,700 nor more than 25,900, according to the last or any subsequent federal decennial census, may, in its discretion, pay the salaries of the road workers employed by such counties in equal semi-monthly installments, on the fifteenth and last day of each month, the provisions of any other law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:14 P.M.

Act No. 344

H. 638—Brannan.

AN ACT

To repeal Act No. 142, H. 456, approved September 21, 1959, entitled "An Act To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week" (Acts of Alabama 1959, vol. I, p. 662).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 142, H. 456, approved September 21, 1959, entitled "An Act To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week," (Acts of Alabama 1959, vol. I, p. 662) is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:15 P.M.

Act No. 345

H. 639—Brannan.

AN ACT

To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 48,500 nor more than 49,500 inhabitants, according to the 1960 or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 48,500 nor more than 49,500 inhabitants, according to the 1960 or any subsequent federal decennial census, may, in its discretion and by resolution spread upon its minutes, authorize the offices of the officials in the courthouse of such county to be closed all day on Saturday each week, any provision of law to the contrary notwithstanding.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 12:16 P.M.

Act No. 346

H. 640—Brannan

AN ACT

To repeal Act No. 20, H. 7, approved February 19, 1959, entitled "An Act Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 40,500 nor more than 44,500, according to the last or any subsequent federal decennial census" (Acts of Alabama 1959, vol. I, p. 47).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 20, H. 7, approved February 19, 1959, entitled "An Act Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 40,500 nor more than 44,500, according to the last or any subsequent federal decennial census," (Acts of Alabama 1959, vol. I, p. 47) is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:17 P.M.

Act No. 347

H. 641—Brannan.

AN ACT

To repeal Act No. 439, H. 641, approved August 28, 1953, entitled "An Act Relating to municipal corporations; providing that the governing body of any town (as defined by Section 5, Title 37, Code 1940) Located within a county having a population of not less than 40,500 nor more than 45,000, according to the last or any subsequent federal decennial census, for which a corporation has been organized to operate a waterworks, sewer, gas, or electric system under the provisions of Act No. 175, S. 280, approved June 29, 1951, as amended, may increase the number of directors of such corporation" (Acts of Alabama 1953, vol. I, p. 546).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 439, H. 641, approved August 28, 1953, entitled "An Act Relating to municipal corporations; providing that the governing body of any town (as defined by Section 5, Title 37, Code 1940) located within a county having a population of not less than 40,500 nor more than 45,000, according to the last or any subsequent federal decennial census, for which a corporation has been organized to operate a waterworks, sewer, gas, or electric system under the provisions of Act No. 175, S. 280, approved June 29, 1951, as amended, may increase

the number of directors of such corporation," (Acts of Alabama 1953, vol. I, p. 546) is hereby repealed.

Section 2. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:18 P.M.

Act No. 348

H. 642—Brannan.

AN ACT

To repeal Act No. 267, H. 734, approved August 16, 1957, entitled "An Act Relating to all counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal census; regulating the compensation and allowances of directors of certain utility boards heretofore or hereafter established in such counties" (Acts of Alabama 1957, vol. I, p. 341).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 267, H. 734, approved August 16, 1957, entitled "An Act Relating to all counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal census; regulating the compensation and allowances of directors of certain utility boards heretofore or hereafter established in such counties," (Acts of Alabama 1957, vol. I, p. 341) is hereby repealed.

Section 2. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:19 P.M.

Act No. 349

H. 643—Brannan.

AN ACT

Relating to all counties having a population of not less than 48,500 nor more than 49,500 inhabitants, according to the 1960 or any subsequent federal census; regulating the compensation and allowances of directors of certain utility boards heretofore or hereafter established in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in counties having a population of not less than 48,500 nor more than 49,500 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. The directors of any utility board heretofore or hereafter incorporated and established under the authority of

Article 7 of Chapter 7, Title 37, Code of Alabama 1940, as amended, in any county coming within the scope of this Act, shall be reimbursed for actual expenses incurred in and about the performance of their duties as such directors; and, at the discretion of the board of directors of any such corporation, the directors shall be paid a director's fee of not exceeding fifty dollars (\$50) for each directors' meeting attended; provided, that no director shall be paid for more than one such meeting in each calendar month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:20 P.M.

Act No. 350

H. 644—Brannan.

AN ACT

Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 48,500 nor more than 49,500, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. When any officer of a municipality is a member of the board of directors of a corporation organized to operate a municipal water, sewer, gas, or electric system pursuant to the Act of June 29, 1951, in any county having a population of not less than 48,500 nor more than 49,500, according to the 1960 or any subsequent federal decennial census, he is entitled to compensation the same as the other directors of the corporation, the provisions of any other law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:21 P.M.

Act No. 351

H. 645—Bishop.

AN ACT

To authorize each of the municipalities of the State having populations of not less than 15,700 nor more than 16,250 to acquire by purchase any hospital and, as all or a part of the purchase price, to assume any indebtedness on such hospital and to agree to postpone the maturity date thereof and pay interest thereon or issue its bonds, revenue bonds, warrants, or notes, in order to secure funds to pay the purchase price thereof or at the time of purchase or later to finance extensions and improvements thereto and to provide for covenants and obligations in favor of the holders of such bonds, revenue bonds, warrants or notes; and to permit each such municipality to create a Board of Hospital Managers, as a self perpetuating body, to which such municipality may irrevocably delegate all powers, authority, functions and duties with respect to the management, operation and control of such hospital, and to provide for the election of the members of such board, the confirmation and removal of such members, the officers of the board, the compensation of members and officers of the board, the bylaws, powers, functions and duties of such board, and to limit the liability of the members of such board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each municipality of the State of Alabama, which has a population of not less than 15,700 nor more than 16,250 inhabitants according to the 1960 or any subsequent decennial census of the United States, is hereby empowered and authorized to acquire by purchase any hospital and to pay or agree to pay therefor such price as its governing body may determine to be proper.

Section 2. As all or a part of such purchase price, each such municipality is hereby empowered and authorized to agree to assume any bonds or notes or other indebtedness of the owner or owners of such hospital incurred and owing in respect of such hospital, and to postpone the maturity date thereof and to agree to pay fixed interest thereon. Such interest may be evidenced by interest coupons, which may be executed in the same manner as interest coupons affixed to bonds of such municipality. Such assumption of indebtedness, postponed maturity date and agreement with respect to interest of such municipality may be written, endorsed or stamped on the original bonds, notes or other evidences of such indebtedness.

Section 3. Each such municipality is hereby empowered and authorized to issue its bonds, or its revenue bonds, or its warrants or its notes to provide funds for all or any part of

the purchase price of any hospital so acquired or at the time of acquisition or thereafter, to provide funds to finance extensions and improvements thereto.

Section 4. Each such municipality which acquires a hospital shall have the power and authority to create a Board of Hospital Managers, to which such municipality may by resolution adopted by its governing body and published as a resolution of general or permanent nature, irrevocably delegate all power, authority, functions and duties, with respect to the management, operation and control of such hospital; provided, however, that such Board of Hospital Managers shall pay over annually to the municipality all net income and profits derived from the operation of said hospital, in excess of a reasonable reserve for operation and maintenance for the next year and for repairs and replacements and for extensions and additions to said hospital; and provided further that said Board of Hospital Managers shall have no power or authority to incur any indebtedness, except accounts payable for current operations and except short term loans, not exceeding six months, for current operations to an amount not exceeding \$10,000.

Section 5. The governing body of each such municipality shall appoint five persons as members of the Board of Hospital Managers and shall designate the length of term of each member of such Board. One member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The members so appointed shall hold office until their respective successors have been elected and qualified. Successive members of the Board of Hospital Managers shall hold office for a term of five years and until their successors are elected and qualified; except that those appointed in the event of a vacancy in a term shall be appointed for the unexpired term. All successors to the members of the Board of Hospital Managers originally appointed shall be elected by secret ballot of the Board of Hospital Managers; provided that the member whose successor is to be elected shall not be entitled to vote. Each such successor must be confirmed by a majority vote of the governing body of such municipality.

Section 6. The Board of Hospital Managers shall immediately after their appointment organize and shall thereupon elect a president, a vice-president, a secretary and a treasurer for the remainder of the year and shall at the first meeting in each year thereafter elect such officers. The president and vice-president shall be members of the Board of Hospital Managers. The secretary and the treasurer may, but need not, be members

of the Board of Hospital Managers. The Board of Hospital Managers may adopt bylaws for the government of its affairs, the designating of meeting dates, the prescribing of notice for special meetings, the conduct of meetings, the designation of duties of the officers of the Board, the adoption of rules and regulations governing the operation of the hospital and the employment and conduct of all nurses and other employees. Each member of the Board and each officer shall be entitled to a fee of not exceeding \$10 per meeting attended for not exceeding twelve meetings per year, but no such member or officer shall receive any other remuneration, pay or compensation for his services.

Section 7. Any member of the Board of Hospital Managers shall be subject to dismissal for cause, which cause shall be specified in writing, and a public hearing thereon afforded to said member before the governing body of such municipality, which governing body shall, on the basis of charges preferred and evidence in support thereof or in opposition thereto, determine finally and conclusively after such hearing whether or not such member shall be discharged.

Section 8. The Board of Hospital Managers shall, in the performance of its functions and duties hereunder, have the same power, discretion and authority as the governing body of the municipality would have with respect to the operation, maintenance and control of such hospital, except as hereinabove otherwise specifically provided.

Section 9. In the event that any such municipality shall borrow any money, whether evidenced by bonds, revenue bonds, warrants or notes, for the use or benefit or on account of such hospital, whether in connection with the original purchase thereof or to secure additional funds therefor either at the time of acquisition or at a later date, the governing body of such municipality is hereby authorized and empowered to enter into covenants and agreements with respect to the application of the proceeds of such borrowing, the operation, maintenance, extension and improvement of such hospital, the fixing of rates for its facilities and services, the collection of charges therefor and the application of the revenues and income of the hospital, the establishment of reserve and security funds, and the rights and remedies of the holders of such bonds, revenue bonds, warrants or notes in the event of a default in the payment of principal or interest thereon or in the performance of any other covenant; and all such covenants and obligations when approved by the Board of Hospital Managers, shall be effective and

binding upon the Board of Hospital Managers and its successors and assigns, as well as upon the municipality.

Section 10. No member or officer of any Board of Hospital Managers shall be personally liable for any debt, obligation, liability or default of such hospital or for any act or failure to act of any employee of such Board or of the hospital. Such members and officers may, however, by mandamus or injunction proceedings be required to perform any act or acts required by law or which the municipality has validly covenanted to perform in respect of the hospital or to refrain from doing any act or acts prohibited by law or which the municipality has validly covenanted not to perform in respect of the hospital.

Section 11. If any section, provision or clause of this Act shall be held or declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining sections, provisions and clauses of this Act which can be given effect without the invalid section, provision or clause; and to this end, the provisions of this Act are declared to be severable.

Section 12. This Act shall be construed as granting additional, alternative and cumulative power and authority to each such municipality in the State of Alabama with respect to either the acquisition of hospitals, or the financing thereof or to the creation of a Board of Hospital Managers.

Section 13. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:22 P.M.

Act No. 352

H. 646—Bishop.

AN ACT

To repeal Act No. 498, H. 909, approved September 30, 1947, an act relating to the regulation and licensing of barbers and barber colleges in certain counties classified on a population basis (General Acts of Alabama 1947, p. 343).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 498, H. 909, approved September 30, 1947, entitled "An Act To define, regulate and license barbers and barbers colleges, and other like businesses in any County of the State of Alabama now having or which may hereafter have a population of not less than 46,500, nor more than 48,000 according to the last or any subsequent Federal census; and create a Barbers' Commission for such county or counties; and

to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission" (General Acts of Alabama 1947, p. 343), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:23 P.M.

Act No. 353

H. 647—Bishop.

AN ACT

To repeal Act No. 545, S. 593, approved August 28, 1951, an act relating to powers of certain municipalities, classified on a population basis, as to the creation, operation and control of certain hospitals (Acts of Alabama 1950-1951, vol. II, p. 958).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 545, S. 593, approved August 28, 1951, an act relating to powers of certain municipalities, classified on a population basis, as to the creation, operation and control of certain hospitals (Acts of Alabama 1950-1951, vol. II, p. 958), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:24 P.M.

Act No. 354

H. 648—Bishop.

AN ACT

Relating to the registration of voters in counties having populations of not less than 46,500 nor more than 48,000 inhabitants according to the 1960 or any subsequent decennial census of the United States: Relieving the members of the board of registrars in such counties from the duty of visiting precincts or voting places in the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 46,500 inhabitants nor more than 48,000 inhabitants according to the 1960 or any subsequent decennial census of the United States.

Section 2. The members of the board of registrars in such counties are relieved of the duty of visiting precincts and voting places in the performance of their official duties as provided

in Section 26 of Title 17, Code of Alabama (1940), as amended; and in lieu thereof shall meet at the courthouse and receive applications for registration from persons residing anywhere in the county for the same number of days as provided by law for visiting precincts for the purpose of registering voters.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 12:25 P.M.

Act No. 355

H. 649—Bishop.

AN ACT

To repeal Act No. 483, H. 858, approved September 3, 1953, an act relating to the registration of voters in certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 610).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 483, H. 858, approved September 3, 1953, entitled "An Act Relating to the registration of voters in counties having a population of not less than 39,550 nor more than 40,350 inhabitants according to the 1950 or any subsequent decennial census of the United States: Relieving the members of the board of registrars in such counties from the duty of visiting precincts or voting places in the performance of their official duties," (Acts of Alabama 1953, vol. I, p. 610) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 12:26 P.M.

Act No. 356

H. 650—Bishop, Broadfoot,
Hankins, Branyon.

AN ACT

To provide for the relief of Paul Coburn.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury to the credit of the Department of Agriculture and Industries the sum of \$1,500.00 to Paul Coburn as

compensation for injuries and medical expenses suffered as the result of an accident on January 19, 1959 at which time he was employed by the State of Alabama Department of Agriculture and Industries and was pursuing his course of employment.

Section 2. The comptroller is hereby authorized and directed to issue his warrant in the amount of \$1,500.00 payable to Paul Coburn against any funds in the State Treasury to the credit of the Department of Agriculture and Industries.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:27 P.M.

Act No. 357

H. 663—Johnston (Leonard),
Johnson (Hardaway).

AN ACT

To enlarge the corporate limits of the City of Wetumpka, in Elmore County, Alabama, by including therein certain territory in addition to the territory now embraced within the corporate limits of the City of Wetumpka.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. That the corporate limits of the City of Wetumpka, Elmore County, Alabama, are hereby altered, enlarged and rearranged so as to include therein, in addition to the territory now embraced within said corporate limits, the following territory:

Begin at a point on the East bank of the Coosa River where it is intersected by the present limits of the City of Wetumpka, Alabama, and being the East-West Half Section line of Section 24, Township 18 North, Range 18 East; thence run East on said Half Section line to the East right of way line of the Wetumpka By-Pass (U. S. Highway 231); thence Southerly along the East right of way line of said By-Pass to its intersection with the East right of way line of the old Wetumpka-Montgomery Highway; thence Southerly along the said right of way line to the North side of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 19, Township 18 North, Range 19 East; thence East 1320 feet, more or less, to the East side of the Southwest Quarter of the Southwest Quarter of Section 19, Township 18 North, Range 19 East; thence South along Quarter Section line 810 feet to a point 150 feet

South of the North side of Section 30, Township 18 North, Range 19 East; thence West and parallel to the North side of Section 30, Township 18 North, Range 19 East, 1320 feet, more or less, to the West side of said Section 30; thence continuing West on a line 150 feet South of and parallel to the North side of Section 25, Township 18 North, Range 18 East, 1050 feet, more or less, to the East right of way line of the present Montgomery Highway (U. S. Highway 231); thence Southwesterly to the Southeast corner of Lot 3, Block 1, of Meadowbrook Subdivision, as shown by map or plat recorded in Plat Book 3, Page 207, in the Probate Office of Elmore County; thence Northwesterly 89 feet to the Southwest corner of said Lot 3, Block 1, of said Meadowbrook Subdivision; thence West on the South side of Lots 1 and 2 of Block 1, and Lots 1, 2, 3, 4, and 5 of Block 4, and Lots 1, 2, 3 and 4 of Block 5 of said Meadowbrook Subdivision to the West side of the Northwest Quarter of the Northeast Quarter of Section 25, Township 18 North, Range 18 East; thence North 2075 feet, more or less, along the North-South Half Section lines of Sections 24 and 25 of Township 18 North, Range 18 East, to the South bank of the Coosa River; thence East, Northeast and North along the South and East banks of the Coosa River approximately 1450 feet to the point of beginning, being situated in the Southeast Quarter of Section 24 and the North Half of the Northeast Quarter of Section 25, in Township 18 North, Range 18 East, and in the West Half of the Southwest Quarter of Section 19, and the Northwest Quarter of the Northwest Quarter of Section 30, Township 18 North, Range 19 East, all in Elmore County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:29 P.M.

Act No. 358

H. 651—Salter.

AN ACT

To permit any bank having its principal place of business in Conecuh County to establish, maintain, and operate, within the Town of Castleberry, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank having its principal place of business

in Conecuh County may establish, maintain, and operate, within the Town of Castleberry, a branch, or additional office, or place of business, provided that such bank, before the establishment of any such branch, or additional office, or place of business, shall first secure the written consent thereto of the superintendent of banks of the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of the Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor or its otherwise becoming a law.

Approved August 7, 1961
Time: 12:28 P.M.

Act No. 359

H. 675—Self.

AN ACT

Relating to the municipality of Hamilton, in Marion County, Alabama: To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Hamilton, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipalities of Hamilton in Marion County, Alabama, are hereby altered, re-arranged, and extended to include within the corporate limits of the Town of Hamilton, Alabama, the following described territory, situated in Marion County, Alabama, to-wit:

W $\frac{1}{2}$ of SE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 28; SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 29, less and except all that part of said quarter lying north of State Highway 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 32; W $\frac{1}{2}$, W $\frac{1}{2}$ of E $\frac{1}{2}$, Section 33; All in Township 10, Range 14, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 4; NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 9, all in Township 11, Range 14; S $\frac{1}{2}$ of Section 27, S $\frac{1}{2}$ of Section 26, W $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 25; all in Township 10, Range 14.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 12:30 P.M.

Act No. 360

H. 697—Murphy, Trimmier.

AN ACT

Relating to counties of not less than 225,000 nor more than 500,000; to provide further for appeals in cases in equity from circuit courts, courts of like jurisdiction and all other courts of record, which have court reporters and from which appeals lie directly to the Supreme Court of Alabama; to prescribe the manner in which evidence shall be transcribed and made a part of the record, and for assignment of error on the record.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 225,000 nor more than 500,000 according to the 1960 or any subsequent federal decennial census.

Section 2. In such counties if a party to a cause tried in a circuit court, court of like jurisdiction or any other court of record which has a court reporter, and from which appeals lie directly to the Supreme Court of Alabama in cases in equity, desires to appeal from a judgment rendered, he shall within five days after he perfects his appeal give notice to the court reporter, in writing, that he desires to appeal and request the evidence to be transcribed. The court reporter shall then promptly transcribe the evidence, including objections, oral motions, rulings of the court, and the oral charge of the court, certify the same and file it with the register within sixty days from the date on which the appeal was taken. He shall also identify and copy all documents offered in evidence in the order in which offered. The evidence so transcribed and certified and filed shall be a part of the record, and assignments of error may be made as though the transcript constituted a bill of exceptions. If the reproduction of documents offered in evidence, such as maps or photographs, be difficult or impracticable, the court reporter shall so certify, and the register shall thereupon attach the original, or a photostatic copy thereof, to the transcript on appeal, and such original or photostatic copy thereof shall be a part of the transcript on appeal. If bulky or heavy objects be offered in evidence as exhibits which are not capable of being attached to the transcript, the court reporter shall certify that such exhibits are bulky or heavy objects which are not capable of being attached to the transcript; that he has identified them as part of the transcript on appeal. The court reporter shall include in his certificate a statement that he has notified both parties or their attorneys of record of the filing of the transcript of testimony.

Section 3. The period of time within which the reporter must file the transcript may be extended by the trial court for

cause. Within ten days after the filing with the register of the certified transcript by the court reporter, either party may file with the register objections to the certified transcript, with his certificate that he has notified the opposing party, or attorney of record, that the same will be called to the attention of the trial court at a specified time and place. If no objections are filed within such ten days the transcript shall be conclusively presumed to be correct. The hearing of objections and the ruling of the court thereon shall be concluded within a period of ninety days from the date of the taking of the appeal, provided that this period may be extended by the trial court for cause. The trial court shall endorse its ruling on the transcript, sign the same, all within said ninety days period, except as hereinbefore provided. Any ruling of the trial court upon such requested hearing, as well as any ruling on objections to a succinct statement, provided for in Section 5 of this act, shall be reviewable, with error duly assigned by the dissatisfied party upon the appeal of the cause, and the evidence upon such hearing shall be duly certified by the court reporter.

Section 4. In transcribing the evidence, including objections, oral motions, rulings of the court, and the oral charge of the court, including all documentary evidence and exhibits, the copy of which is practical, the court reporter shall use regular transcript paper, to be furnished by the county, of the kind and size prescribed by the Supreme Court for transcripts in such court, and he shall make two carbon copies of the same. Such court reporter's certified transcript and the copies thereof shall be filed with the register of the trial court and the original shall be used by the register and inserted by him in the transcript as part of the regular record for the appellate court. If the trial court should make any changes or corrections as authorized in this act, he shall make them by order written on such regular transcript paper, with two carbon copies thereof, and sign and file them with the register, and the original shall become part of the record for the appellate court and inserted as part thereof by the register. Provided that the register shall be entitled to a fee for his services in organizing, checking, indexing, and certifying said court reporter's certified transcript in the record in the sum of fifteen dollars in each case on appeal.

Section 5. Upon payment of a transcript fee of fifteen cents for each one hundred words thereof, and for each carbon copy made at the same writing of five cents for each one hundred words thereof, in any case in equity, the party desiring to appeal shall be entitled to have the court reporter promptly transcribe the evidence in the case hereinabove provided. Nothing in this act shall prevent either party from appealing upon the record

without a transcript of the evidence, but such court reporter shall not be required to perform any part of such service until payment in full is assured when the transcript is ready for filing.

Section 6. If the court reporter be deceased, or for any other reason cannot transcribe the evidence, any party desiring to appeal may, in lieu of it, present a succinct statement of the evidence, including objections, oral motions, ruling of the court, the oral charge of the court, and all documents offered in evidence shall also be identified and copied in the order in which offered, and the trial judge shall hear the same and make such corrections in and additions to it as may be proper and shall approve the same as a transcript of the evidence. Such statement, when approved by the trial judge, shall be a part of the record and assignments of error may be based upon any rulings shown in it. If the reproduction of documents offered in evidence, such as maps or photographs, be difficult or impracticable, the party desiring to appeal shall so certify, and the register shall thereupon attach the original, or a photostatic copy thereof, to the statement, and such original or photostatic copy thereof shall be a part of the statement on appeal. If heavy or bulky objects be offered in evidence as exhibits which are not capable of being attached to the statement, the party desiring to appeal shall certify that such exhibits are bulky or heavy objects which are not capable of being attached to the statement; that he has identified them as part of the statement on appeal. Any statement in lieu of a transcript of the evidence shall be written on regular transcript paper as defined in Section 3 hereof and it and two copies thereof shall be filed with the register. When approved by the trial judge, the original of such statement, with such approval, shall be inserted by the register in the transcript as a part of the record for the appellate court, provided that the register shall be entitled to a fee for his services in organizing, checking, indexing, and certifying said succinct statement in the record in the sum of twenty-five dollars for each case on appeal.

Section 7. The court reporter's certified transcript shall be filed with the register within sixty days from the date of the taking of the appeal, and any succinct statement of the evidence made in lieu of such transcript, as authorized in Section 5 hereof, shall be filed with the register within sixty days from the date of the taking of the appeal; provided that this period may be extended by the trial court for cause.

Section 8. The term "court reporter" as used in this act shall mean any person who shall be received and accepted by

the court during the trial of a case, with the duty to record the testimony of witnesses in shorthand or stenotype notes for the purpose of preserving the testimony, whether such court reporter shall be an official court reporter or not; and any court reporter failing to transcribe and file testimony, pursuant to the terms of this act, shall be subject to discipline on the part of the court as and for a contempt of court.

Section 9. Motions for a new trial shall be part of the record and with the rulings thereon, included in the transcript on appeal; and error may be assigned as to such rulings.

Section 10. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 7, 1961
Time: 12:31 P.M.

Act No. 361

H. 738—Steagall.

AN ACT

To amend Act No. 95, H. 434, Regular Session 1957, an act fixing the compensation of the superintendent of education of Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 95, H. 434, Regular Session 1957, an act fixing the compensation of the superintendent of education of Dale County (Acts of Ala. 1957, vol. I, p. 135), is amended to read as follows:

“Section 1. The Superintendent of Education of Dale County shall be entitled to a salary of seven thousand five hundred dollars (\$7,500) per annum, which shall be paid in monthly installments out of any funds available to the board of education for such purposes.”

Approved August 7, 1961
Time: 9:05 A.M.

Act No. 362

H. 741—Dodd.

AN ACT

Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates ob-

tained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. All revenues accruing to the fine and forfeiture fund of such county, as prescribed by law, shall hereafter be paid into the general fund of the county and the fine and forfeiture fund of such county is hereby abolished. All monies held in the fine and forfeiture fund as of the effective date of this act, or any other monies held as unclaimed witness fees for witnesses appearing before the grand jury of the county or as state's witnesses in criminal cases in the circuit court, county court or other inferior court, shall be paid by the custodian of such fund into the general fund of the county.

Section 2. All claims now registered against or payable out of the fine and forfeiture fund, as prescribed by law, or which may hereafter become due and payable out of such fund, shall be payable from the general fund of the county.

Section 3. After the passage and approval of this act any person subpoenaed as witness before the grand jury of the county in a criminal case who procures a certificate of attendance as such witness from the foreman of the grand jury shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 4. Any person appearing as a state's witness in a criminal case in the circuit court, county court or other inferior court who procures a certificate of attendance as such witness from the clerk of the court shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 5. Costs and fees in all criminal cases shall continue to be taxed as now provided by law, provided, however, that any fees hereafter collected for State's witnesses in the circuit court, county court or other inferior court shall be paid by the officer collecting same into the general fund of the county and it shall be the duty of the clerk, or other officer, of any of the courts here concerned, upon the passage and approval of this act, to pay over any money held by such officer for the payment of fees of witnesses before the grand jury of state's witnesses in

criminal cases in any of the courts here concerned, to the general fund of the county.

Section 6. All laws or parts of laws, local, special, or general, in conflict with the provisions hereof are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 7, 1961

Time: 9:06 A.M.

Act No. 363

H. 757—Brannan.

AN ACT

To provide contingent funds for all counties having populations of not less than 48,500 nor more than 49,500, and regulating the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Boards of Revenue or other like governing body in any county having a population of not less than 48,500 or more than 49,500, according to the 1960 federal decennial census, is hereby authorized and empowered to appropriate out of any moneys in the county treasury not otherwise appropriated, and to expend not exceeding the sum of Five Thousand Dollars (\$5,000.00) per annum for any purposes, not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county, the fund hereby authorized to be known as the "Contingent Fund". Provided, however, the expenditure herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

Section 2. Under the provisions of Section 1, not more than Five Thousand Dollars (\$5,000.00) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of Five Thousand Dollars (\$5,000.00).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:07 A.M.

Act No. 364

H. 765—Dunn.

AN ACT

For the relief of W. J. Griffin, Jr., of Thomasville, Ala.; authorizing and directing the court of county commissioners, board of revenue, or other like governing body of Clarke County to appropriate county funds for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Clark County is hereby authorized and directed to appropriate the sum of \$127.27 from any funds in the county treasury not otherwise appropriated, for the relief of W. J. Griffin, Jr., of Thomasville, Ala., to compensate him for property damages sustained as a result of a motor vehicle collision on or about May 23, 1960. The accident involved a county road department truck and occurred under such circumstances that the said Griffin has no recourse at law to recover his damages, yet the county is morally and justly obligated to pay the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:10 A.M.

Act No. 365

H. 766—Ingram.

AN ACT

To repeal Act No. 727, H. 1100, approved September 5, 1951, relating to the fixing of the expense allowance of the county superintendent of education in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. II, p. 1278).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 727, H. 1100, approved September 5, 1951, entitled, "An Act Relating to counties having a population of less than thirteen thousand inhabitants; to fix the expense allowance of the county superintendent of education of such counties," (Acts of Alabama 1950-1951, vol. II, p. 1278), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:11 A.M.

Act No. 366

H. 767—Ingram.

AN ACT

To provide that in all counties having populations of not less than 12,000 nor more than 13,000, the board of county commissioners, board of revenue, or other like governing bodies may designate one or more state or national banks as the county depository.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having populations of not less than 12,000 nor more than 13,000, the court of county commissioners, board of revenue, or other like governing bodies of the county may at its discretion designate one or more incorporated state or national banks to act as county depository in lieu of a county treasurer.

Section 2. This act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 9:12 A.M.

Act No. 367

H. 768—Ingram.

AN ACT

Relating to counties having populations of less than 12,000 inhabitants; to fix the expense allowance of the county superintendent of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of less than 12,000 inhabitants according to the 1960 or any subsequent decennial census of the United States.

Section 2. The county superintendent of education of such counties shall receive an annual expense allowance of twelve hundred dollars (\$1200) per annum to be paid in equal monthly installments out of the funds from which his expense allowance is presently paid. Such expense allowance shall be in lieu of any other allowance heretofore provided the county superintendent of education for expenses.

Section 3. This Act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 9:13 A.M.

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Pinckard, Dale County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Pinckard, Dale County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within the boundaries and corporate limits, to-wit:

Beginning at a point where the East City limits crosses the present old Highway 231. Thereon a strip being 400 feet in width lying South of present old Highway 231 and extending Easterly and being parallel to the old Highway 231 from the East City Limits of Pinckard, Alabama, to the East section line of Section 22, Township 4 North, Range 25 East. Thence North along the East Section line of Section 22 and Section 15 to a point that is 400 feet North of the North right-of-way line of the new U. S. Highway 231, thence: a strip that is 400 feet Northerly and parallel to the new U. S. Highway 231 extending Northwesterly to the West section line of Section 4, Township 4 North, Range 25 East, thence: Southerly along the West section line of Section 4, Section 9, and Section 16 to the Northern limits of the existing city limits. Also, a strip lying 400 feet North and a strip lying 400 feet South of the existing old Highway 231, beginning at a point where the West City limits intersect the present old Highway 231, thence Westerly and parallel to the existing old Highway 231 for a distance of one-half mile.

Section 2. All farm and pasture land annexed by this Act shall be exempt from all ad valorem taxation by the municipality of Pinckard during the time such property is used for farming or grazing purposes.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:15 A.M.

Act No. 369

H. 774—Steagall.

AN ACT

To repeal Act No. 133, H. 446, approved June 26, 1953, an act to regulate the compensation and allowances of the superintendent of education of certain counties classified on a population basis (Acts of Alabama 1953, vol. I, p. 181).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 133, H. 446, approved June 26, 1953, entitled "An Act To regulate the compensation and allowances of the superintendent of education of any county having a population of not less than 20,500 nor more than 20,830, according to the last or any subsequent decennial census of the population of the U. S.," (Acts of Alabama 1953, vol. I, p. 181), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:16 A.M.

Act No. 370

H. 777—Jones (Covington).

AN ACT

To amend Act No. 84, H. 94, First Special Session 1956, an act providing an optional plan by which certain counties classified on a population basis may establish two or more voting places within an election precinct (Acts of Alabama 1956, p. 125).

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 84, H. 94, First Special Session 1956, an act providing an optional plan by which certain counties classified on a population basis may establish two or more voting places within an election precinct (Acts of Alabama 1956, p. 125) is hereby amended to read as follows:

"An Act to provide an optional plan by which any county governing body in all counties with a present or future population of 35,500 and less than 36,500 may establish two or more voting places within an election precinct, to direct the grouping of not more than 300 names of qualified registered voters within such precinct in alphabetical order and the assignment of such groups to a designated voting place; to require the publication of such group-lists and their respective assignments to voting places within said precinct; to provide that this law shall not apply to election precincts wherein voting machines are law-

fully in use; to provide for the repeal of all laws in conflict herewith; and to provide when this Act shall become effective."

Section 2. Section 1 of said Act No. 84, H. 94, First Special Session 1956, is hereby amended to read as follows:

"Section 1: That the Courts of County Commissioners, or like governing body, in all counties in this state which now or may hereafter have a population of 35,500 and less than 36,500, according to the 1960 or any succeeding Federal census, may, at their option or discretion, designate in their respective counties two or more voting places within the same election precinct when such governing body shall deem it necessary for the convenience of the voters therein. Such designation shall be by number and the appointed voting places may be within the same building or shelter and without regard to geographical area within the precinct."

Section 3. Section 2 of said Act No. 84, First Special Session 1956, is hereby amended to read as follows:

"Section 2: That the Judge of Probate or other lawful custodian of the list of qualified voters, whose duty it is to publish the list of qualified voters, shall, in those precincts designated by the county governing body pursuant to the authority in the preceding section, separate and group the names of qualified registered voters in alphabetical order, without separating the male from the female, so that no group, male and female combined, shall contain more than three hundred qualified registered voters; and said officer shall on his published list of voters assign one such group to a designated voting place within said precinct and furnish such list to the election officers as required by law."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:17 A.M.

Act No. 371

H. 780—Salter.

AN ACT

To provide for special meetings of boards of education of all counties having populations of not less than 17,500 nor more than 17,800, according to the 1960 or any subsequent federal decennial census, and to regulate the compensation of the members of such boards of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 17,500 nor more than 17,800, according to the 1960 or any subsequent federal decennial census, the county board of education may meet in special session for not more than twelve days each year in addition to the meetings provided for by general, special, or local laws; and the members of such board shall be entitled to an allowance of \$15 a day and expenses for attending meetings of the board, to be paid out of the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved August 7, 1961
Time: 9:19 A.M.

Act No. 372

H. 784—Johnson (Hardaway).

AN ACT

To amend further Act No. 258, H. 679, Regular Session 1931, an act providing for the duties, qualifications, tenure, and compensation of the county superintendent of education of Elmore County (Local Acts, Regular Session 1931, p. 117), in relation to the compensation and travel allowance of such officer.

Be It Enacted by the Legislature of Alabama:

Section 9 of Act No. 258, H. 679, Regular Session 1931, an act providing for the duties, qualifications, tenure, and compensation of the county superintendent of education of Elmore County (Local Acts, Regular Session 1931, p. 117), as amended, is amended further to read as follows:

“Section 9. The County Superintendent of Education shall devote his entire time to the public school business of Elmore County, Alabama, and shall receive as compensation for his services a salary of not less than \$4,800 nor more than \$7,200 per annum, which salary shall be fixed by the Elmore County Board of Education or its successor, and shall be paid at the times and in the manner provided by the general laws of this State for the payment of salaries of other county superintendents of education. In addition to the salary, the County Superintendent of Education shall also be allowed \$50 a month traveling expenses incurred by him in the performance of his duties within or outside the county.”

Approved August 7, 1961
Time: 9:20 A.M.

Act No. 373

H. 785—Johnson (Hardaway).

AN ACT

To regulate the compensation and allowances of members of the county board of education of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of Elmore County shall receive from the public school funds of the county twelve dollars (\$12) a day and their actual expenses incurred in attending meetings of the board and transacting the business of the board. They shall be allowed ten cents a mile in traveling to-and-fro between their homes and places of meeting. The members of the board shall not be allowed pay for more than 18 days in any one year.

Section 2. This Act shall take effect at the expiration of the terms of the member or members of the board whose term or terms expire first in accordance with Amendment 57 of the Alabama Constitution.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 7, 1961
Time: 9:21 A.M.

Act No. 374

H. 786—Copeland, Hanby.

AN ACT

To repeal Act No. 376, S. 466, approved August 7, 1951, as amended, an act fixing the salaries of certain county officers in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 669), and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 376, S. 466, approved August 7, 1951, as amended, entitled "An Act To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the preliminary count of the 1950 federal census or any subsequent federal census and in which the salaries of such officers may be fixed, regulated and altered by the Legis-

lature" (Acts of Alabama 1950-1951, vol. I, p. 669), and all acts amendatory thereof, are hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:22 A.M.

Act No. 375

H. 787—Copeland, Hanby.

AN ACT

To repeal Act No. 698, S. 422, approved September 20, 1957, an act relating to the compensation and allowances of certain officers of certain counties classified on a population basis (Acts of Alabama 1957, vol. II, p. 1058).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 698, S. 422, approved September 20, 1957, entitled "An Act To regulate further the compensation and allowances of certain officers of counties having a population of not less than 80,000 nor more than 94,000 according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 1058), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:23 A.M.

Act No. 376

H. 788—Copeland, Hanby.

AN ACT

To repeal Act No. 450, H. 958, approved September 9, 1955, as amended, an act fixing the salaries of certain county officers in certain counties classified on a population basis (Acts of Alabama 1955, vol. II, p. 1003), and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 450, H. 958, approved September 9, 1955, as amended, entitled "An Act To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety four thousand inhabitants according to the 1950 federal census, or any subsequent federal census" (Acts of Alabama 1955, vol. II, p. 1003), and all acts amendatory thereof are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:24 A.M.

Act No. 377

H. 791—Hanby, Copeland.

AN ACT

To apply in all counties of this state having populations of not less than 96,000 and not more than 116,000 according to the latest or any subsequent federal decennial census and to allow the boards of revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. That this act shall apply in all counties of Alabama having populations of not less than 96,000 nor more than 116,000 according to the latest or any subsequent federal decennial census.

Section 2. That in all counties of this state coming within the purview of this act, the board of revenue or like governing body of such county is hereby authorized to fix and set aside and designate, by resolution, from time to time, one day out of each week other than Sundays for all court house offices and other county offices to be closed.

Section 3. All laws and parts of laws in conflict with this act are hereby expressly repealed.

Section 4. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:25 A.M.

Act No. 378

H. 792—Hanby, Copeland.

AN ACT

To repeal Act No. 317, H. 645, approved October 29, 1959, an act relating to allowing the governing bodies in certain counties classified on a population basis to fix and set aside certain days of the week for closing the offices in the courthouse (Acts of Alabama 1959, vol. II, p. 896).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 317, H. 645, approved October 29, 1959, entitled "An Act To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties" (Acts of Alabama 1955, vol. II, p. 896), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:26 A.M.

Act No. 379

H. 793—Copeland, Hanby.

AN ACT

To apply in all counties in this state having populations of not less than 96,000, and not more than 116,000, according to the latest or any subsequent federal decennial census, and to provide for and authorize the introduction in evidence in any court in Alabama in such counties, when relevant and material, certified copies of hospital records or any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the cost and the taxing thereof for said copy and certificate and affirmance in writing thereto and the filing of said copy with the clerk or register of the court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in all those counties in Alabama now having populations of not less than 96,000, and not more than 116,000, according to the latest or any subsequent federal decennial census, and that when the original would be relevant and material in any suit or proceeding in a court of Alabama in any such county, a certified copy of the hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature and other charts, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physicians, doctors, surgeons, pathologists, radiologists, spe-

cialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of any patient in said hospital when certified and affirmed by the custodian of said hospital records as herein provided, shall be admissible in evidence without further proof in any court in Alabama in any such county where material and relevant, if and when said hospital records were made and kept in the usual and regular course of business of said hospital and it was in the regular course of business of said hospital to make and keep said records and that said records were made at the time of such acts, transactions, occurrences or events therein referred to occurred or arose or were made, or within a reasonable time thereafter.

Section 2. A certified copy of said hospital records may be procured by any litigant in any court of competent jurisdiction in Alabama in any such county by subpoena duces tecum and when any such subpoena duces tecum is issued for said hospital records the custodian of said hospital records shall prepare a copy of said hospital records as herein provided and securely seal the same in an envelope or other container and date and fill out and sign a certificate in substantially the form in this act provided and place on, or securely fasten said certificate to the outside of said envelope or container in which said copy of said hospital records are placed and deliver the same to the clerk or register of the court hearing or to hear or to try the suit or proceeding in which the records are sought and he shall not otherwise be required to appear in court unless thereafter ordered to do so by the court. Said envelope or container in which the copy of the hospital records are enclosed shall not be opened until ordered published by the court trying the case at the time of the trial. When so prepared and certified the copy of said hospital records shall be admissible in evidence in any court in Alabama in any such county, if and when relevant and material, in prima facie proof of the facts therein shown just as if otherwise verified and just as if the copy was the original. The copy of the hospital records may be photostated, photographed or made by micro-photographic plate or film or otherwise made so long as clear and easily legible. All

the circumstances of the making of such hospital records, including lack of personal knowledge of the entrant or maker of such hospital records may otherwise be shown to affect the weight of such hospital records but this shall not affect their admissibility.

For preparing a copy of such hospital records the clerk or register shall tax as costs twenty-five cents for each page of said hospital records and \$2.50 for making the certificate affixed or appended thereto which charges shall be taxed as costs in the suit or proceeding and said costs shall abide the result of the suit or proceeding.

Section 3. The certificate of the custodian of the hospital records herein provided for shall show the name of the parties to the suit or proceeding and the name of the court to which made, by appropriate caption, and said certificate shall be in form in substance as follows, to-wit:

I, ... hereby certify and affirm in writing that I am of the Hospital, a hospital organized or operated pursuant to or under the laws of Alabama, located at, Alabama, and that I am custodian of the hospital records of said hospital and that the within copy of said hospital records are an exact, full, true and correct copy of said hospital records pertaining to

I further certify that I am familiar with and know, and knew when made and charged, the reasonable value and price for the various charges made and shown in said hospital records pertaining to and that said charges are in my judgment just, reasonable and proper and in keeping with those generally charged in the county and community where said hospital is located.

All of which I hereby certify and affirm on this day of, 19.....

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 9:27 A.M.

Act No. 380

H. 794—Copeland, Hanby.

AN ACT

To repeal Act No. 13, H. 31, approved July 17, 1959, an act relating to the use of authorized certified copies of hospital records as evidence in certain counties classified on a population basis (Acts of Alabama 1959, vol. I, p. 174).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 13, H. 31, approved July 17, 1959, entitled "An Act To apply in all counties in this state having a population of not less than ninety-four thousand, and not more than one hundred thirty-four thousand, according to the latest or any subsequent federal decennial census, and to provide for and authorize the introduction in evidence in any court in Alabama in such counties, when relevant and material, certified copies of hospital records or any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the cost and the taxing thereof for said copy and certificate and affirmance in writing thereto and the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor" (Acts of Alabama 1959, vol. I, p. 174), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:28 A.M.

Act No. 381

H. 795—Hanby, Copeland.

AN ACT

To repeal Act No. 42, H. 38, First Special Session 1959, approved February 19, 1959 (Acts of Alabama 1959, vol. I, p. 78), an act relating to the appointment, tenure, number and compensation of bailiffs for certain judicial circuits classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 42, H. 38, First Special Session 1959, approved February 19, 1959 (Acts of Alabama 1959, vol. I, p. 78) entitled "An Act To provide for the appointment and tenure and number, and fixing the compensation, of Bailiffs for Circuit Courts of Alabama in Circuits having two Circuit Judges composed of one County having a population of not less than 94,000 people nor more than 134,000 people according to the last or any subsequent Federal decennial census," is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:29 A.M.

Act No. 382

H. 798—Hanby, Copeland.

AN ACT

To repeal Act No. 501, S. 544, approved August 22, 1951, an act imposing extra, new, and additional duties upon the judges of county courts in certain counties classified on the basis of population (Acts of Alabama 1950-1951, vol. I, p. 894).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 501, S. 544, approved August 22, 1951, entitled "An Act Relating to county courts in counties having a population of not less than 80,000 nor more than 94,000 inhabitants; imposing extra, new, and additional duties upon the judges of such courts, and providing additional compensation for the performance thereof" (Acts of Alabama 1950-1951, vol. I, p. 894) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:30 A.M.

Act No. 383

H. 799—Pruitt, Harvey.

AN ACT

Relating to Sumter County: To authorize and empower the county board of education to remove or terminate the contract of employment of any teacher in the public school system at any time such action is deemed necessary to promote the best interest of the schools under its jurisdiction; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Sumter County, Alabama, may remove any teacher in the public school system of the county, or terminate his or her contract of employment, whether such teacher be on continuing service status or on a probationary appointment, at any time such action is deemed necessary to promote the best interest of the schools under the board's jurisdiction. The action of the board of education in regard to any such discharge shall be final and conclusive and shall not be subject to review or modification by any officer or agency, the provisions of Chapter 13, Title 52, Code of 1940, as amended, to the contrary notwithstanding; provided, however, that no teacher who has served under contract as a teacher in the Sumter County school system for three consecutive school years and who thereafter has been re-employed the succeeding school year shall be summarily dismissed under this Act, but shall be given a reasonable notice of the proposed action by the board and provided an opportunity to be heard.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:32 A.M.

Act No. 384

H. 807—Solomon, Chambers.

AN ACT

Relating to all counties in the State having populations of not less than 15,000 nor more than 15,300 inhabitants, according to the 1960 or any subsequent Federal decennial census; to authorize the governing body of any such county to allow and pay to the sheriff an amount not

in excess of one hundred dollars (\$100) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having populations of not less than 15,000 nor more than 15,300 inhabitants according to the 1960 or any subsequent Federal decennial census.

Section 2. The court of county commissioners, board of revenue, or other like governing body of any county coming within the purview of this Act, by whatever name known or called, is hereby authorized to allow and pay to the sheriff of said county an amount not to exceed one hundred dollars (\$100) per month for expenses incurred by him in operation, or for the upkeep, repair and maintenance of his privately-owned automobile when used in the performance of the duties of his office. All such allowances shall be paid solely from any surplus in the fine and forfeiture fund in excess of the registered and lawful charges and claims against such fund, and shall be paid from such fund in the same manner as provided for the payment of the sheriff's fees from that fund.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 9:33 A.M.

Act No. 385

H. 808—Solomon, Chambers.

AN ACT

To repeal Act No. 133, H. 443, approved July 12, 1957, an act providing for an allowance for maintenance of the privately-owned automobile of the sheriff in certain counties classified on a population basis when used in the performance of his official duties (Acts of Alabama 1957, vol. I, p. 181).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 133, H. 443, approved July 12, 1957, an act providing for an allowance for maintenance of the privately-owned automobile of the sheriff in certain counties classified on a population basis when used in the performance of his official duties (Acts of Alabama 1957, vol. I, p. 181), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:34 A.M.

Act No. 386

H. 809—Solomon, Chambers.

AN ACT

Relating to counties having populations of not less than 15,000 nor more than 15,300 inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having populations of not less than 15,000 nor more than 15,300 inhabitants according to the 1960 or any subsequent decennial census of the United States.

Section 2. Each member of the jury commission in every such county shall be paid the sum of ten dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. The warrants are to be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the commission shall not exceed the sum of two hundred dollars (\$200.00) for any one year of his term.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:35 A.M.

Act No. 387

H. 810—Solomon, Chambers.

AN ACT

To repeal Act No. 136, H. 197, approved February 24, 1956, an act dividing certain counties classified on a population basis into forest districts and creating the office of district forest warden for each district within such counties (Acts of Alabama 1956, p. 196).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 136, H. 197, approved February 24, 1956, an act dividing certain counties classified on a population basis into forest districts and creating the office of district

forest warden for each district within such counties (Acts of Alabama 1956, p. 196), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961.

Time: 9:36 A.M.

Act No. 388

H. 811—Adams.

AN ACT

For relief of Herman Aman, of Dothan, Route 3; authorizing an appropriation from the treasury of Houston County for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue and control, court of county commissioners, or other like governing body of Houston County may appropriate from any funds in the county treasury not otherwise appropriated an amount not exceeding \$786.63, for the relief of Herman Aman, of Dothan, Route 3, who, during the month of December, 1959 suffered damages to his property, to-wit, a motor vehicle, as a result of a defect in a county road.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

August 7, 1961

Time: 9:37 A.M.

Act No. 389

H. 812—Adams.

AN ACT

To alter, re-arrange and extend the boundaries of the Town of Avon in Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION I

The boundaries of the Town of Avon, in Houston County, Alabama are hereby altered, re-arranged and extended so as to embrace within the Corporate limits of said Municipality all of the property lying within the boundaries hereinafter set forth as follows, to-wit:

Beginning at the Northwest corner of the $SE\frac{1}{4}$ of $NW\frac{1}{4}$, Section 36, Township 3N, Range 27E, and thence running South along the West line of the $SE\frac{1}{4}$ of $NW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$ and $SE\frac{1}{4}$ of $SW\frac{1}{4}$, all in Section 36, Township 3N, Range 27E, and thence continuing to run South along the West line of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$, $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $NE\frac{1}{4}$ of $SW\frac{1}{4}$, all in Section 1, Township 2N, Range 27E, to the SW corner of said $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 1, Tp. 2N, R. 27E; thence running East along the South line of the $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $NW\frac{1}{4}$ of $SE\frac{1}{4}$ and $NE\frac{1}{4}$ of $SE\frac{1}{4}$, all in Section 1, Tp. 2N, Range 27E to the section line dividing sections 1 and 6; and thence continuing to run East along the South line of the $NW\frac{1}{4}$ of $SW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $NW\frac{1}{4}$ of $SE\frac{1}{4}$ and $NE\frac{1}{4}$ of $SE\frac{1}{4}$, Section 6, Tp. 2N, Range 28E to the SE corner of said $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 6, Tp. 2N, Range 28E; thence running North along the East line of Section 6 to the NE corner thereof, and continuing to run North along the East line of Section 31, Township 3N, Range 28E to the NE corner of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$, Section 31, Tp. 3N, Range 28E; thence running West along the North line of said $SE\frac{1}{4}$ of $NE\frac{1}{4}$, and $SW\frac{1}{4}$ of $NE\frac{1}{4}$, $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Section 31, Tp. 3N, Range 28E, to the Section line dividing Sections 31 and 36; and continuing to run West along the North line of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$, $SW\frac{1}{4}$ of $NE\frac{1}{4}$ and $SE\frac{1}{4}$ of $NW\frac{1}{4}$, Section 36, Township 3N, Range 27E to the NW corner of said $SE\frac{1}{4}$ of $NW\frac{1}{4}$, Section 36, Township 3N, Range 27E, and the point of beginning.

SECTION II

BE IT ENACTED that the boundaries hereinabove set forth in Section I be, and the same are, hereby established as the corporate limits of the Town of Avon, Houston County, Alabama.

SECTION III

BE IT FURTHER ENACTED that all laws, or parts of laws, in conflict with this act be, and the same are hereby repealed.

SECTION IV

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:38 A.M.

Act No. 390

H. 813—Adams.

AN ACT

Relating to City of Dothan, Houston County: To provide for the relief of City Employee Willis D. Hewes, pursuant to Resolution No. 2579 of the Board of Commissioners of said City, and the concurrence of the Pension Board of the Retirement System of said City, by allowing credit for prior employment towards retirement as a member of said City of Dothan Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That, pursuant to petition of the Board of Commissioners of the City of Dothan, and the concurrence of the Pension Board of the Retirement System of said City, that upon the deposit of Twenty-eight Hundred Eighty-four and 95/100 Dollars (\$2884.95) by City Employee Willis D. Hewes into the Annuity Fund of said Retirement System, and the deposit of the sum of Twenty-six Hundred Sixty and 59/100 Dollars (\$2660.59) by the City of Dothan into the Pension Accumulation Fund of said Retirement System, Willis D. Hewes shall be enrolled as an employee of said City of Dothan with membership in its retirement system as of October 1, 1959, and that he shall be credited with prior service since September 1, 1933, during which time he has been continuously employed as a City of Dothan employee through the medium of the Dothan City Board of Education, with full benefits accruing to any other employee for prior service credit.

Section 2. The amount set out in Section 1 hereof being equal to that which other City employees have paid on the same salary by payroll deduction into the Annuity Fund, and which the City of Dothan has paid into the Pension Accumulation Fund on behalf of other employees, payment of the sum of Twenty-six Hundred Sixty and 59/100 Dollars (\$2660.59) by the City of Dothan be and the same is hereby authorized.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 7, 1961

Time: 9:39 A.M.

Act No. 391

H. 817—Edwards, Rast, Locke, Morrow, Sessions, Hawkins, Perry.

AN ACT

To alter, rearrange and extend the boundaries of the City of Bes-

semer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 32, Township 18 South, Range 4 West, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Bessemer, in Jefferson County, Alabama be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Begin at the Southwest corner of the Southeast Quarter of Southwest Quarter of Section 32, Township 18 South, Range 4 West; thence in an easterly direction along the Southern most boundary line of said quarter-quarter to a point where said quarter-quarter line intersects the Northwestern lot line of Lot 28, Block 12, Bessemer Gardens Addition to Bessemer; thence turn an angle to the left and continue along Northwestern property lines of Lot 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, and 18 of said Block to the Northernmost corner of Lot 18 of said Block; thence turn an angle to the left and continue along the Southwestern lot line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1 of said Block to the Southwestern corner of Lot 1 of said Block; thence turn an angle to the left and continue in a Southwesterly direction along the Southeast boundary of the Old County Road to a point where said boundary intersects the Southernmost boundary line of Southwest Quarter of Southwest Quarter of Section 32, Township 18 South, Range 4 West; thence turn an angle to the left and continue in an easterly direction along said boundary line to the point of beginning. Located in Southwest Quarter of Southwest Quarter, Southeast Quarter of Southwest Quarter, Section 32, Township 18 South, Range 4 West, Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time 9:40 A.M.

Act No. 392

H. 818—Edwards, Rast, Locke, Morrow, Sessions, Hawkins, Perry.

AN ACT

To alter, rearrange and extend the boundaries of the City of Bes-

semer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 20, Township 19, Range 4 West, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Bessemer, in Jefferson County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Begin at the Northeast corner of Northwest Quarter of Northwest Quarter of Section 20, Township 19, Range 4 West, thence travel Southwardly along the Eastern boundary to the Southeast corner, thence turn right and travel Westwardly along the Southern boundary of said quarter-quarter to the Northeast corner of the Southeast Quarter of Northeast Quarter, Section 19, Township 19 South, Range 4 West, thence turn left and travel Southwardly along the Eastern boundary of said Southeast Quarter of the Northeast Quarter, Section 19, to the Southeast corner; thence turn right and travel Westwardly along Southern boundary of said quarter-quarter to the Southwest corner; thence turn right and travel Northwardly along the Western boundary of said quarter-quarter to a point where said quarter line intersects the Northwest boundary of the right-of-way line of U. S. Highway No. 11; thence turn right and travel Northeastwardly to a point where said right-of-way line intersects the Northern boundary of said quarter-quarter; thence continue Northeastwardly along said right-of-way line of U. S. 11 to a point where said right-of-way line intersects the Northern boundary of the Northeast quarter of the Northeast Quarter of Section 19, Township 19, South Range 4 West; thence turn right and travel Eastwardly along North boundary of said quarter to the Northeast corner of Section 19, Township 19 South, Range 4 West; thence continue Eastwardly on the Northern boundary of the Northwest Quarter of Northwest Quarter to the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 20, Township 19 South, Range 4 West, said Point being the point of beginning for the lands herein described.

Section 2. That this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:41 A.M.

Act No. 393

H. 819—Perry, Morrow, Hawkins,
Sessions, Edwards, Locke,
Rast.

AN ACT

Relating to powers of governing bodies of counties having populations in excess of 600,000; authorizing expenditures of county funds to replace property of deputy sheriffs damaged or destroyed under certain specified conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of more than 600,000, according to the 1960 or any subsequent federal decennial census, may appropriate county funds to pay the actual cost of replacing any clothing or equipment of a deputy sheriff that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:42 A.M.

Act No. 394

H. 828—Torbert, Turnham

AN ACT

To provide for a chief deputy and other deputies and assistants to the sheriff of Lee County, and to repeal Act No. 231, H. 598, Acts of Alabama, Regular Session 1959, vol. I, p. 777, and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Lee County shall provide the sheriff of the county with one chief deputy and two assistant deputies and in its discretion two additional assistant deputies, one jailer and one deputy clerk. The chief deputy shall receive not less than \$250 nor more than \$370 monthly; each assistant deputy shall receive not less than \$200 nor more than \$320 monthly; the jailer shall receive not less than \$150 nor more than \$220 monthly; and the deputy clerk shall

receive not less than \$100 nor more than \$150 monthly. The exact amount of compensation to be paid to each of such deputies and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county.

Section 2. Act No. 231, H. 598 (Acts of Alabama 1959, Regular Session, vol. I, p. 777) and all other laws in conflict are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:43 A.M.

Act No. 395

H. 833—Roberts, Reynolds (Madison)

AN ACT

To provide further for election of the mayor and council of all cities having populations of not less than 70,000 nor more than 120,000, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cities having populations of not less than 70,000 nor more than 120,000, according to the 1960 or any subsequent federal decennial census, the mayor shall be elected at an election to be held on the first Tuesday next after Labor Day in the year 1964, and every four years thereafter, for a term of four years commencing on the first Monday in October next after his election. Any candidate who receives a majority of all votes cast for all candidates seeking election to the office of mayor shall be declared elected to that position. But in the event no candidate receives a majority of all the votes cast, then the council shall order a second or run-off election to be held on the last Tuesday in September following, at which election the two candidates receiving the most votes for the office shall be candidates, and the person receiving the highest number of votes in the second election shall be declared elected. A certificate of election shall be given by the council, or a majority of them to the person so elected. Said certificate shall entitle the person so certified to possession of the office to which he was elected immediately upon the expiration of the term of the incumbent of the office as provided by law. In the event all

opposition to a candidate in the run-off election is withdrawn, then no second election need be held and such candidate shall receive the certificate of election. In the event of a tie vote between the candidates in such run-off election, the council shall by majority vote decide the election.

Section 2. The following officers shall be elected in all cities having populations of not less than 70,000 nor more than 120,000, according to the 1960 or any subsequent federal decennial census, on the first Tuesday next after Labor Day in the year 1964, and every four years thereafter, for terms of four years commencing on the first Monday in October next after their election. Such officers shall form the city council and shall have and exercise the legislative functions of the city and such other powers and duties as are or may be vested by law in the city council or its members. The places on the city council shall be numbered as follows, to-wit: Councilman, Place No. 1; councilman, Place No. 2; councilman, Place No. 3; councilman, Place No. 4; and councilman, Place No. 5. All the councilmen herein provided for shall be elected from the city at large, and no person shall be a candidate or be permitted to file his statement of candidacy for more than one of such places. No ballot shall be counted for any candidate except for the place or number for which he announced in his statement of candidacy.

Section 3. Each candidate for election to the office of city councilman, upon filing his statement of candidacy in the office of mayor of the city, shall pay to the mayor, or to the duly authorized agent of the mayor, a qualifying fee of \$50. The mayor or his agent shall deposit all such qualifying fees in the city treasury, to be used for general municipal purposes.

Section 4. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected to that position. In the event no candidate receives a majority of all the votes cast for any one or more positions on the council then the council shall order a second or run-off election to be held on the last Tuesday in September next after the initial election, at which election the two candidates receiving the most and the second most votes, respectively, for each position to be filled shall be candidates, and the person receiving the highest number of votes for each office for which the run-off election is held shall be declared elected. A certificate of election shall be given by the council, or a majority of them to each of the persons elected. Such certificate shall entitle the person so certified to the possession of the office to which he was elected immediately upon the expiration of the term of incumbent of the of-

fice, as provided by law. In the event that all opposition to a candidate in the run-off election is withdrawn, then no second election need be held for such position and such candidate shall receive a certificate of election. In the event of a tie vote between two or more persons in such run-off election for the same position on the council, the currently serving council shall decide the election. A vote for a particular candidate by a majority of the total membership of such body shall be necessary to decide the election in his favor. On the first Monday in October after their election, the members of any council elected pursuant to this Act shall assemble and organize and choose a chairman or president of the council from among their own number.

Section 5. The election of any person to office as provided in this Act may be contested upon the same grounds and in the same manner for contesting election for judge of probate, so far as applicable, but such a contest must be initiated within three days after the election. The election shall be called, conducted, and provided for otherwise according to the provisions of Act No. 465, S. 29, Regular Session 1945, so far as the same may be applicable.

Section 6. The purpose of this Act is to provide further for the election and organization of the council in cities, within its purview when such cities operate under the mayor-council form of government; and nothing contained in this Act shall prevent or prohibit any city within the application hereof to adopt, in the manner prescribed by law, any optional form of government which such city is authorized to adopt under the general laws of Alabama.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:44 A.M.

Act No. 396

H. 834—Reynolds (Madison), Roberts.

AN ACT

Authorizing counties having a population of not less than 110,000 nor more than 160,000, according to the last or any subsequent federal decennial census, and the municipalities within such counties, either singly or jointly, to create airport authority boards; providing for the selection of the members of such boards, and prescribing their quali-

fications, terms, and compensation; and providing for the organization, jurisdiction, powers, and duties of such boards.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 110,000 nor more than 160,000, according to the last or any subsequent federal decennial census.

Section 2. Any county to which this Act applies, by resolution, and any municipality within any such county, by ordinance, within their or its discretion, may singly or jointly create an airport authority board, either for such county or for such municipality, or for both such county and such municipality. Such boards shall each be composed of five members, as hereinafter provided.

Section 3. (a) The governing body of the municipality, in the case where the airport is owned solely by the municipality, and the court of county commissioners, board of revenue or like governing body of the county, in the case where the airport is owned by any county, shall elect the members of the board, in which case, immediately upon the creation and establishment of the board, the governing body of the municipality or the county, as the case may be, shall proceed to elect one (1) member to serve until the first day of July of the next ensuing year and until his successor is elected and qualified; one (1) member to serve until the first day of July of the second ensuing year and until his successor is elected and qualified; one (1) member to serve until the first day of July of the third ensuing year and until his successor is elected and qualified; one (1) member to serve until the first day of July of the fourth ensuing year and until his successor is elected and qualified; and one (1) member to serve until the first day of July of the fifth ensuing year and until his successor is elected and qualified. At the first regular meeting of the governing body of such municipality or county held in the month of June of each year, the said governing body owning said airport shall elect a successor to the member of the board whose term expires on the first day of July, following, and the person so elected shall become a member of the board on such first day of July, and shall hold office for a period of five (5) years and until his successor is elected and qualified. Should such governing body fail to elect a member at its first meeting in the month of June, it may do so at any succeeding regular meeting of such governing body. A member of the board may succeed himself if the said governing body desires to re-elect such member.

(b) In cases where the airport is owned jointly by any

county, to which this Act applies, and any municipality within any such county, the governing bodies of the respective municipalities and counties shall appoint the five (5) members of the airport authority board as follows:

The places on the board shall be designated as places number 1, 2, 3, 4, and 5. The governing body of the municipality shall elect the members to serve in places number 1 and 3. The governing body of the county shall elect the members to serve in places 2 and 4. Place number 5 shall be filled by appointment jointly agreed to by the governing body of the municipality and the governing body of the county. Said appointments shall be made by resolutions. The member to serve in place number 1 shall be selected by the governing body of the municipality to serve until the first day of July of the ensuing year; the member to serve in place number 2 shall be selected by the governing body of the county to serve until the first day of July of the second ensuing year; the member to serve in place number 3 shall be selected by the governing body of the municipality to serve until the first day of July of the third ensuing year; the member selected to serve in place number 4 shall be selected by the governing body of the county to serve until the first day of July of the fourth ensuing year; and the member to serve in place number 5 shall be selected jointly by the governing body of the municipality and the governing body of the county to serve until the first day of July of the fifth ensuing year. Each member so selected shall serve until his successor is elected and qualified by the respective governing bodies for their respective places.

The governing bodies of said municipality and county, at their first meeting in June of each year, shall make their respective appointments as to a successor to the member of the board whose term expires on the first day of July, following, and the person so elected or appointed shall hold office for a period of five (5) years from such first day of July, and until his successor is elected and qualified. Any appointment required to be made by a joint appointment shall be made by the respective bodies at said first meeting in June. Should the governing body of the municipality or county fail to elect its respective board members, at their first June meeting, they may do so at any successive regular meeting of said governing bodies. A member of the airport authority board may succeed himself if re-elected. Whenever a vacancy occurs in the membership of said airport authority board by resignation, inaction, death, or other cause, if said member is an appointee of the governing body of the municipality, the said governing body shall immediately fill the

vacancy by electing another person to membership on said airport authority board, who shall serve for the remainder of the unexpired term of the member he succeeds and until his successor is elected and qualified. Vacancies occurring among the members appointed by the county governing body shall be filled by the county governing body in the same manner, and for the unexpired term, as hereinabove provided in the case of appointees of the governing body of the municipality.

Section 4. If the airport is owned exclusively by the municipality, no person shall be eligible to membership on the airport authority board who is not a qualified elector of such municipality. If the airport is owned by the county, or by the county jointly with the municipality within the county, no person shall be eligible to membership on said board who is not a qualified elector of the county in which said airport is located.

Section 5. Before entering upon the duties of his office, each member of the board shall take and subscribe to the following oath: "I do solemnly swear that I will support the Constitution of the State of Alabama, and the Constitution of the United States, and that I will faithfully, zealously and impartially discharge the duties of the office upon which I am to enter, without fear or favor, for the public welfare; so help me God."

Section 6. At the first meeting of the board, the members shall elect one of their number as chairman and one of their number as secretary; thereafter the board shall annually elect from among their number a chairman and a secretary. Vacancies in the offices of chairman and secretary shall be filled by the board, if and when the same may occur.

Section 7. Each member of the board shall receive such compensation for his services as may be authorized by the governing body or bodies. The compensation of the members of the board shall be paid in monthly installments from the funds derived from the operation of the airport.

Section 8. The board shall hold regular monthly meetings on the second Tuesday of each month, and other meetings at such times and places as its members may elect. The chairman of the board, or any three members thereof, may call a meeting at any time he or they consider that the business demands that a meeting be held. The chairman and two members, or any three members of the board, in the absence of the chairman, shall constitute a quorum. A true record of all the proceedings of all meetings of the board shall be kept by the secretary. At the call of any member, the vote on any pending question shall be

taken by ayes and naves, and the same shall be entered on the record. The record of the proceedings of said board shall be open to any member of the governing body and to the public at all times, and a copy from said record, certified by the secretary, shall be competent evidence in all courts.

Section 9. The board shall have complete control of the airport and shall have authority to employ, upon terms to be fixed by the board, but in no event for a term exceeding one year, and to discharge with or without cause, managers, cashiers, clerks, stenographers, attorneys, repairmen, laborers, and such other employees as are necessary for the operation of such airport. It shall have power and authority and it shall be its duty to charge and collect all accounts due for any service which the airport, or use thereof, may furnish to its customers, upon rates to be provided and approved by the governing body or bodies. The board shall have the right to delegate to any manager which it may employ the authority to employ and discharge employees as may be needed, to direct their work, and to manage, control, and operate the airport and to account to the board for his acts in so doing; but his authority shall be restricted as the authority of the board is restricted in this Act.

Section 10. All officers or employees of the board handling money or exercising authority over airport property shall, before entering upon the discharge of their duties, give bond with some surety company authorized to do business in the State of Alabama, as surety, and payable to the municipality, or county, or both, as the case may be, to be approved by the board, in such penal sum as the board may prescribe, conditioned upon the faithful discharge of the duties of his office or employment and the faithful accounting for all moneys received or property coming into his possession in the capacity of his employment.

Section 11. Members of the board may be removed from office in the same manner and on the same grounds provided by the general law of this State for the impeachment and removal of other officers, as set out in Section 175 of the Constitution of Alabama.

Section 12. The board shall at least once a year appoint an expert accountant or firm of accountants who shall make an examination in detail of all books and accounts of the board to cover the period since the preceding examination, and make a full report in writing, under oath, to the board of its findings at the board's first meeting after completion of such report. A copy of the report shall also be furnished the governing body of the municipality, or county, or both such bodies if the board

is a joint board, and the same shall be spread upon the minutes of the board. The same person or firm shall not be appointed or authorized to make such examination twice in succession. For this service said accountant shall be paid such reasonable and proper sum as may be agreed upon.

Section 13. Said board shall make an annual report to the governing body or bodies, showing in detail the receipts and expenditures for its preceding fiscal year, the physical condition of the property under the care of said board, and any other matters of public interest connected with said board.

Section 14. No expenditures for any new construction, additions, or replacements to the airport, or the equipment used by the same, shall be made by the board where the total expense will be more than one thousand dollars (\$1,000) without the consent and approval of the governing body of the municipality or county, or of both the municipality and the county, owning the same.

Section 15. All funds of said board shall be kept separately from the other funds of the respective government authorities and the same shall be withdrawn only in such sums and at such times as the same shall be actually required for the expenditures authorized by law, and only upon warrants signed by an employee of the airport board, designated by the board, and countersigned by a member of the board designated by the board, and issued for claims that have been audited and ordered paid by said board and for salaries due board members and employees for work performed and services rendered.

Section 16. All money collected from the operation of the airport or received in any way relative to the use of the airport shall be deposited in a duly designated depository approved by the governing body or bodies owning said airport and shall be distributed by the board as required by the governing body or bodies.

Section 17. The board shall require from each depository adequate bond or securities to secure the safety of funds on deposit, which bond or securities shall be in such sum as the board shall fix, having due regard to the safety of the funds on deposit.

Section 18. The authority granted municipalities and counties under the provisions of this Act shall not be construed so as to repeal, restrict, modify, or otherwise limit any authority now conferred on any county or municipality by any existing, general, local or special law or to affect any such board created or existing by virtue of a local act.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The airport authority boards existing at the time of the passage of this Act, in any county to which this Act shall become applicable upon its passage, shall be continued in force and effect under the terms and provisions of this Act, without any change in the rights, privileges, duties, benefits, or liabilities upon the part of any person or body, except to the extent that the terms and provisions of this Act make such change. In other words, such previously existing airport authority boards shall be absorbed and continued into the airport authority boards provided by this Act, with no changes of any kind to be made except to the extent that this Act differs in its provisions from the provisions of such previously existing airport authority boards.

Approved August 7, 1961
Time: 9:45 A.M.

Act No. 397

H. 835—Hearn.

AN ACT

To repeal Act No. 47, H. 61, approved April 8, 1955 (Acts of Alabama 1955, vol. I, p. 157) which applies only in counties having populations of not less than 47,500 nor more than 52,500, according to the 1950 or any subsequent federal decennial census, and relates to the appointment of a deputy clerk of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 47, H. 61, approved April 8, 1955 (Acts of Alabama 1955, vol. I, p. 157), which applies only in counties having populations of not less than 47,500 nor more than 52,500, according to the 1950 or any subsequent federal decennial census, and relates to the appointment of a deputy clerk of the circuit court, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:46 A.M.

Act No. 398

H. 836—Hearn.

AN ACT

To repeal Act No. 165, H. 30, approved June 29, 1951 (Acts 1950-1951, vol. I, p. 403), and Act No. 446, H. 935, approved November 13, 1959 (Acts 1959, vol. II, p. 1140), which relate to the appointment and

compensation of clerks of the tax assessors and tax collectors of counties having populations of not less than 47,000 nor more than 51,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 165, H. 30, approved June 29, 1951 (Acts 1950-1951, vol. I, p. 403) and Act No. 446, H. 935, approved November 13, 1959 (Acts 1959, vol. II, p. 1140), which relate to the appointment and compensation of clerks of the tax assessors and tax collectors of counties having populations of not less than 47,000 nor more than 51,000, are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:47 A.M.

Act No. 399

H. 837—Hearn.

AN ACT

To repeal Act No. 725, S. 491, approved September 20, 1957 (Acts 1957, vol. II, p. 1129), which applies only in counties having populations of not less than 46,000 nor more than 49,000, according to the 1950 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 725, S. 491, approved September 20, 1957 (Acts of Alabama 1957, vol. II, p. 1129) which applies only in counties having populations of not less than 46,000 nor more than 49,000, according to the 1950 or any subsequent federal decennial census, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:48 A.M.

Act No. 400

H. 838—Hearn.

AN ACT

To repeal Act No. 48, H. 62, approved April 8, 1955 (Acts of Alabama 1955, vol. I, p. 158) which applies only in counties having populations of not less than 47,500 nor more than 52,500, according to the 1950 or any subsequent federal decennial census, and relates to the office of county solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 48, H. 62, approved April 8, 1955 (Acts

of Alabama 1955, vol. I, p. 158), which applies only in counties having populations of not less than 47,500 nor more than 52,500, according to the 1950 or any subsequent federal decennial census, and relates to the office of county solicitor in such counties, is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:49 A.M.

Act No. 401

H. 839—Hearn.

AN ACT

To repeal Act No. 448, H. 630, approved August 17, 1951 (Acts 1950-1951, p. 800) entitled "An Act to fix the salary of County Superintendents of Education in all counties of the State of Alabama having a population of not less than 45,090 and not more than 46,550 according to the 1950 Federal Census, or any subsequent Federal census, and to provide when this Act shall take effect."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 448, H. 630, approved August 17, 1951 (Acts 1950-1951, p. 800), entitled "An Act to fix the salary of County Superintendents of Education in all counties of the State of Alabama having a population of not less than 45,090 and not more than 46,550 according to the 1950 Federal Census, or any subsequent Federal census, and to provide when this Act shall take effect," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:50 A.M.

Act No. 402

H. 844—Sullivan.

AN ACT

To fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than 21,850 nor more than 21,950, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties hav-

ing a population of not less than 21,850 nor more than 21,950, according to the last or any subsequent federal decennial census.

Section 2. The county solicitor, deputy solicitor, or deputy circuit solicitor of any county to which this Act applies shall be entitled to receive an annual salary of two thousand four hundred dollars (\$2,400), to be paid from the general fund of the county in equal monthly installments, on warrants drawn in the manner prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 9:51 A.M.

Act No. 403

H. 845—Sullivan.

AN ACT

Relating to counties having a population of not less than 21,850 and not more than 21,950 inhabitants according to the last or any subsequent federal decennial census, to authorize county governing bodies to pay a salary to a deputy sheriff, other than and in addition to the chief deputy sheriff holding appointment from the sheriff of such county and to pay a salary to such other deputy sheriff of not more than \$250.00 per month to be paid by monthly installment out of the treasury of such counties upon the warrant of the governing body of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 21,850 nor more than 21,950 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The governing body of any county in which this Act applies is hereby authorized and empowered to expend from the general fund of the county, in addition to all other sums now provided by law, for the efficient operation of the office of the sheriff of such county, to pay a salary to a deputy sheriff, other than and in addition to the salary paid to the chief deputy sheriff of such county, holding appointment from the sheriff of such county as now provided by law, an amount not exceeding \$250.00 per month to be paid out of the county treasury of such county upon warrant of the governing body of said county.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:52 A.M.

Act No. 404

H. 846—Sullivan.

AN ACT

To repeal Act No. 453, H. 798, approved July 6, 1943, an act relating to additional duties and additional per diem for members of the court of county commissioners or like governing bodies in certain counties classified on a population basis (General Acts of Alabama 1943, p. 415).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 453, H. 798, approved July 6, 1943, entitled "An Act to provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 21,100 inhabitants and not more than 21,890 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties" (General Acts of Alabama, 1943, p. 415), is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 9:53 A.M.

Act No. 405

H. 851—Nichols, Camp.

AN ACT

To regulate the compensation and allowances of the judge of probate of all counties having populations of not less than 65,000 nor more than 95,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the judge of probate of any county having a population of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census shall be nine thousand dollars (\$9,000) a year, to be paid from the general fund of the county in equal monthly installments as the salaries of county employees are paid. The salary shall be in lieu of all other compensation. All fees, commissions, and percentages of the judge of probate shall be collected and paid into the general fund of the county. In addition to his salary as provided for herein, the judge of probate shall be entitled to receive such allowance for expenses as may be otherwise provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:54 A.M.

Act No. 406

H. 863—Goodwyn, Bailey,
Pierce, Goldthwaite.

AN ACT

To repeal an Act of the Legislature entitled "An Act to provide for the appointment of a humane officer in all counties in this state which may now have or which hereafter have a population of ninety-six thousand people and less than one hundred forty-one thousand people according to the last Federal census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties." (Act No. 405, S. 511, General Acts 1951, page 730, approved August 15, 1951.)

Be It Enacted by the Legislature of Alabama:

Section 1. That an Act of the Legislature entitled "An Act to provide for the appointment of a humane officer in all counties in this state which may now have or which hereafter have a population of ninety-six thousand people and less than one hundred forty-one thousand people according to the last Federal census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties." (Act No. 405, S. 511, General Acts 1951, page 730, approved August 15, 1951), be and the same is hereby repealed.

Section 2. This Act shall not be construed to affect any cause of actions, suits pending, or legal or other rights existing, or any liability or penalties incurred or existing under the Act herein repealed.

Section 3. This Act shall become effective on August 1, 1961.

Approved August 7, 1961
Time: 9:55 A.M.

Act No. 407

H. 864—Goodwyn, Bailey,
Pierce, Goldthwaite

AN ACT

To provide for the appointment of a humane officer in all counties in this state which may now have or which may hereafter have a population of 150,000 people and less than 300,000 people and in which there is an incorporated city having a population of 100,000 people and less than 200,000 people according to the last Federal census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties; and placing such officer under the operation of a city county merit system in such counties having such a system.

Be It Enacted by the Legislature of Alabama:

Section 1. That upon the passage and approval of this Act by the Governor or upon its otherwise becoming a law, it shall be the duty of the Society for the Prevention of Cruelty to Animals, or other similar society organized in counties in this state which may now have, or which may hereafter have a population of 150,000 people and less than 300,000 people, according to the last Federal census, and in which there is an incorporated city having a population of 100,000 people and less than 200,000 people, according to the last Federal Census, or any such census which may hereafter be taken, to appoint a humane officer for said counties to be approved by the Court of County Commissioners or other like governing body and by the City Commission or other like governing body of such city located in such counties.

Section 2. That in all such counties and cities, in addition to the duties prescribed and fixed by law for humane officers, or by whatever named called, it shall become the further duty for the humane officer to see that all laws with reference to the prevention of cruelty to animals be strictly enforced and brought to the attention of the courts within said counties. That the number of cases investigated and docketed by said officer, with a full description of each case, shall be filed each month in the office of such humane society, the cities and counties, and a complete report given to a newspaper published in said counties every six months. It shall also be the duty of such officer, in addition to those duties already prescribed, to pick up and collect all unowned and neglected dogs within the said counties and cities and deliver them to the City-County pound or shelter for disposition.

Section 3. That the said humane officer shall be furnished with suitable transportation for the proper performance of his

duties, the cost and upkeep of which, including the cost of repairs, gas and oil, shall be shared equally by the counties and cities covered in this Act.

Section 4. The salary for such humane officer shall be One Hundred and Fifty Dollars per month, except in those counties where there is a merit system in which the salary shall be fixed by the Personnel Board, according to the scale of wages as fixed by said board and in the same manner as other employees salaries are fixed. The said salary shall be shared equally by the counties and cities covered by this Act and shall be paid as other salaries to the employees of said counties and cities are paid.

Section 5. In all such counties where there is a county and city civil service system and the humane officer has been selected before the passage of this Act, such humane officer shall hold such office without being reappointed and shall be deemed to have acquired permanent civil service status. The said humane officer shall have all the benefits allowed to other employees of the said counties and cities as regards retirement benefits.

Section 6. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 7. This Act shall become effective on August 1, 1961.

Approved August 7, 1961
Time: 9:56 A.M.

Act No. 408

H. 874—Bishop.

AN ACT

To amend further Section 31 of Act No. 32, H. 162, Regular Session 1947, an act establishing the law and equity court of Colbert County (Local Acts 1947, p. 25).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31 of Act No. 32, H. 162, Regular Session 1947, an act establishing the law and equity court of Colbert County (Local Acts 1947, p. 25), as amended, is amended further to read as follows:

“Section 31. The Judge of this Court shall secure the services of a competent shorthand writer to attend the terms of this court and report in shorthand all cases tried herein and during the time he or she is actually engaged in reporting and trans-

cribing for the court or the attorneys, he or she is an officer of this court, and he or she shall receive a salary to be fixed by the Judge of said Court and not to exceed Three Hundred Fifty Dollars per month, and said salary shall be paid in monthly installments at the end of each month and shall be paid to him or her from the funds of the County by the County Treasurer or other custodian of said funds, on a warrant drawn thereon by the Judge of this court, provided, however, the Judge of this court shall have the right to remove said reporter from his office at his pleasure. In addition to the compensation herein provided for, said reporter shall be entitled to tax and collect from the litigant or his attorneys for whom he is making a transcript of the evidence the sum of ten cents per hundred words for said transcript, and when such transcript is made the reporter shall append thereto his certificate to the correctness of the same as such official reporter. The stenographer's notes shall be preserved and filed as now provided by law in the Circuit Court."

Section 2. This Act shall become effective on the first day of October next following the date of its enactment.

Approved August 7, 1961

Time: 9:57 A.M.

Act No. 409

H. 875—Bishop.

AN ACT

To amend Act No. 642, H. 1043, Regular Session 1957, an act changing the method of compensating certain officers of Colbert County and providing compensation for their assistants (Acts of Alabama, Regular Session 1957, vol. II, p. 972).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 through 5 of Act No. 642, H. 1043, Regular Session 1957, an act changing the method of compensating certain officers of Colbert County and providing compensation for their assistants (Acts of Alabama, Regular Session 1957, vol. II, p. 972) are hereby amended to read as follows:

"Section 1. The judge of probate of Colbert County shall be entitled to receive an annual salary of nine thousand dollars (\$9,000), which shall be paid monthly from the county treasury. Such salary shall be in lieu of all fees, commissions, percentages or allowances provided under the general law, and shall be his entire compensation for the performance of his duties. The probate judge shall also be allowed to employ a chief clerk at a

salary of three hundred fifty dollars (\$350) per month, one clerk at a salary of three hundred dollars (\$300) per month, and two other clerks, each of whom shall be paid a salary of two hundred seventy-five dollars (\$275) per month. The salaries of all clerks of the judge of probate shall be paid from the county treasury on warrants drawn in the manner prescribed by law. In addition to his regular clerks, the probate judge may be authorized by the board of revenue, court of county commissioners, or like governing body of Colbert County to employ temporary clerks, but the total amount of their compensation shall not exceed twenty-four hundred dollars (\$2,400) per annum.

“Section 2. The sheriff of Colbert County shall be entitled to receive an annual salary of eight thousand four hundred dollars (\$8,400), payable monthly from the county treasury. Such salary shall be in lieu of the fees, commissions, percentages and allowances provided sheriffs under the general law, and shall be the entire compensation of the sheriff of Colbert County for the performance of his duties. The sheriff of Colbert County shall be allowed one chief deputy, whose salary shall be four hundred dollars (\$400) per month, three deputies whose salaries shall be three hundred fifty dollars (\$350) per month, and one clerk whose salary shall be two hundred seventy-five dollars (\$275) per month. The compensation of the chief deputy and of the other deputies and the clerk shall be payable from the county treasury on warrants drawn in the manner prescribed by law.

“Section 3. The tax assessor of Colbert County shall be entitled to receive an annual salary of seven thousand two hundred dollars (\$7,200) payable monthly from the county treasury. Such salary shall be in lieu of the fees, commissions, percentages and allowances provided tax assessors by the general law, and shall be the entire compensation of the tax assessor for the performance of his duties. The tax assessor shall be allowed to employ one clerk at a monthly salary of three hundred dollars (\$300), and an additional clerk at a monthly salary of two hundred fifty dollars (\$250). The salaries of such clerks shall be payable from the county treasury on warrants drawn in the manner prescribed by law. In addition to such regular clerks, the tax assessor may be allowed to employ a temporary clerk or clerks by the board of revenue, court of county commissioners, or like governing body of Colbert County, but the total compensation of such temporary clerk or clerks shall not exceed one thousand dollars (\$1,000) per annum.

“Section 4. The tax collector of Colbert County shall be en-

titled to an annual salary of seven thousand two hundred dollars (\$7,200). Such salary shall be payable monthly from the county treasury, shall be in lieu of the fees, commissions, percentages and allowances provided tax collectors by the general law, and shall be the entire compensation of the tax collector for the performance of his duties. The tax collector shall be allowed to employ one clerk at a monthly salary of three hundred dollars (\$300). The clerk's salary shall be payable from the county treasury on warrants drawn in the manner prescribed by law. In addition to the regular clerk employed by the tax collector, the court of county commissioners, board of revenue, or like governing body of the county may authorize him to employ a temporary clerk or clerks whose compensation shall be payable from the county treasury, but the total amount thereof shall not exceed nine hundred dollars (\$900) per annum.

"Section 5. The clerk of the circuit court of Colbert County shall be paid an annual salary of seven thousand two hundred dollars (\$7,200), payable monthly from the county treasury. Such salary shall be in lieu of all fees, commissions, percentages and allowances provided circuit clerks under the general law, and shall be the entire compensation of the clerk of the circuit court of Colbert County for the performance of his duties. Such clerk shall be authorized to employ one clerk at a monthly salary of two hundred eighty-five dollars (\$285), and one clerk at a monthly salary of two hundred fifty dollars (\$250). The compensation of such clerks shall be payable from the county treasury on warrants drawn in the manner prescribed by law. In addition to his regular clerks, the circuit clerk may employ a temporary clerk or clerks, subject to the approval of the court of county commissioners, board of revenue or like governing body of Colbert County, but his or their total compensation shall not exceed seven hundred dollars (\$700) per annum."

Section 2. This Act shall take effect on the first day of October next following the date of its enactment.

Approved August 7, 1961
Time: 9:58 A.M.

Act No. 410

H. 876—Jenkins.

AN ACT

Relating to Randolph County, designating the Judge of Probate as purchasing agent for the county, regulating the purchase of supplies, materials, equipment, and contractual services for Randolph County; and providing the penalty for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the supervision and control of the court of county commissioners, or other like county governing body, the Judge of Probate of Randolph County, as chairman of the court of county commissioners shall be purchasing agent for the county. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services for Randolph County; and, subject to the approval of the county governing body, may promulgate reasonable rules and regulations governing acquisition of such supplies, materials, equipment, and contractual services. The Judge of Probate shall receive no additional compensation for his services as purchasing agent.

Section 2. The purchasing agent shall obtain at least three written, sealed, competitive bids for all purchases of supplies, materials, equipment, and contractual services when the amount involved is two hundred dollars (\$200.00) or more. If the purchases involve an amount of less than two hundred dollars (\$200.00), the purchasing agent may take such purchases either upon the basis of sealed bids or in the open market, in his discretion. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than two hundred dollars (\$200.00) for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least one week before the final date for submitting bids. Bids shall be opened publicly by the purchasing agent at the time and place stated in the invitations. The purchasing agent shall award the purchase to the lowest responsible bidder, or he may reject all bids and renegotiate the purchase when the public interest will be served thereby. All renegotiations must be approved by the county governing body. All bids with the names of the bidders shall be entered on a permanent record. Each record, with the successful bid indicated thereon, and with the reasons for the award to the lowest bidder, shall after the award of the purchase be open to public inspection. All purchases shall be approved by the county governing body.

Section 3. In an emergency, a purchase may be made without competitive bids. However, a full written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office, or entered in the minutes of the commissioners' court. The rec-

ords of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding may be waived for purchases of perishable commodities, utility services, and commodities or services for which there is no competitive situation.

Section 4. The purchasing agent, provided there is no sacrifice or loss in price or quality, shall give preference to commodities produced or sold in Randolph County.

Section 5. Any officer or other person who purchases or procures any supplies, materials, equipment, or services contrary to the provisions of this Act is guilty of a misdemeanor, and upon conviction shall be punished by law.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 7, 1961
Time: 9:59 A.M.

Act No. 411

H. 877—Jenkins.

AN ACT

Providing further for the government of Randolph County; placing the members of the court of county commissioners or other like governing body of Randolph County on a salary; prescribing their jurisdiction and authority relative to the establishing, constructing, repairing and maintenance of county roads and bridges; providing for the disbursement of gasoline tax moneys received from the State on a county-wide basis under the direction of the county governing body; and prescribing the compensation, qualifications, powers and duties of the county engineer appointed by the governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners or other like governing body of Randolph County shall supervise the disbursement of all gasoline tax revenue received from the State on a county-wide basis for the establishment, constructing, repairing, and maintenance of county roads and bridges. The county governing body shall possess an original and unlimited jurisdiction and authority respecting county roads and bridges.

Section 2. The jurisdiction and authority of the county governing body respecting roads and bridges shall not be delegated to nor exercised by any member of the governing body

individually; such jurisdiction and authority shall be exercised solely by the governing body in joint session and by instruction to the county engineer appointed by and serving at the pleasure of the county governing body. However, the county engineer cannot be discharged without good reason.

Section 3. The county engineer, whose salary shall be fixed by the county governing body, shall hold no other office or employment and shall devote his entire time to the duties of his office. He shall be qualified to practice engineering and surveying in Alabama and shall have had not less than three years experience in construction and maintenance of highways.

Section 4. The county engineer shall have the power, and it shall be his duty:

(1) To establish the county organization for the construction and maintenance of county roads and bridges and to construct and maintain same on the basis of the county as a unit without regard to districts or beat lines.

(2) To employ and discharge all county road and shop employees, subject to the approval of the county governing body.

(3) To keep and maintain necessary time books and make all payrolls which will be submitted to the county governing body for approval and payment.

(4) The county governing body, or a majority of said body, shall have the authority and power to instruct and direct the county engineer as to what roads to construct in said county, either under the county program or the Farm-to-Market Road Program.

(5) The salaries and the wages of day laborers are to be set and agreed upon by the governing body of said county.

Section 5. Each member of the county governing body shall be paid the sum of Three Thousand Dollars (\$3,000.00) per annum out of the funds of the county for performing the duties of their office. The salary of each member shall be paid in equal monthly installments on warrants drawn on the funds of the county, in accordance with the orders of the county governing body.

Section 6. Each member of the county governing body shall be paid the sum of fifty dollars (\$50.00) per month out of the funds of the county as reimbursement for expenses incurred by them in the performance of their duties.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. A referendum election shall be held in Randolph County on the first Tuesday following the expiration of 30 days from the date of this enactment, for the purpose of determining whether the qualified electors of the county favor the adoption of the provisions of the Act. Notice of the election shall be given by the sheriff of Randolph County by publication in a newspaper at least one time not less than 15 days prior to the date of the election. The question to be printed on the ballots shall be stated as follows: "Do you favor the adoption of the provisions of Act No. of the Legislature of Alabama, approved, 1961?" (The appropriate number and date to be inserted.)

If a majority of the electors voting at the election vote in favor of the proposal, this Act shall become operative October 1, 1961, but if a majority vote against the proposal, the Act shall have no further effect. The probate judge shall have the ballots prepared, printed and distributed as in the case of elections or constitutional amendments. Election officials shall be appointed and compensated in the same manner as in general elections; and except as otherwise provided herein, the election shall be held, conducted, and regulated in the same manner as general elections. A certificate of the result of the election shall be filed and kept in the office of the probate judge and a copy thereof shall be sent by the probate judge to the Secretary of State.

Approved August 7, 1961
Time: 10:00 A.M.

Act No. 412

H. 878—Copeland, Hanby.

AN ACT

To regulate further the compensation and allowances of certain officers of counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census.

Section 2. The judge of probate of every county to which this Act applies shall be entitled to receive an annual salary of ten thousand dollars (\$10,000), payable in equal monthly in-

stallments from the county treasury. The salary of the judge of probate as herein provided shall be in lieu of all fees, commissions, percentages, or allowances for such an officer as prescribed by law, except that he shall be entitled to receive two and one-half cents ($2\frac{1}{2}c$) for each name he lists on the county's list of qualified voters, to be paid in the manner prescribed by law, the said two and one-half cents ($2\frac{1}{2}c$) per name to be one-half ($\frac{1}{2}$) of the five cents ($5c$) per name now provided by law for such service.

Section 3. The clerk of the circuit court of every county to which this Act applies shall be entitled to receive an annual salary of seven thousand dollars (\$7,000), payable in equal monthly installments from the county treasury. Such salary shall be the entire compensation of the clerk for performing the duties of his office, and shall be in lieu of all fees, commissions, percentages, and allowances provided such an officer by general law.

Section 4. The register of the circuit court of every county to which this Act applies shall be entitled to receive an annual salary of five thousand two hundred eighty dollars (\$5,280), payable in equal monthly installments from the county treasury. Such salary shall be the entire compensation of the register for performing the duties of his office, and shall be in lieu of all fees, commissions, percentages, and allowances provided such an officer by general law.

Section 5. In addition to the salary paid by the State, the circuit judge or judges for each county to which this Act applies shall each be paid a supplemental salary of two thousand five hundred dollars (\$2,500) per annum by the county, payable in equal monthly installments from the county treasury in the same manner as the salaries of county officers are paid.

Section 6. In addition to the salary paid by the State, the circuit solicitor for each county to which this Act applies shall be paid a supplemental salary of one thousand five hundred dollars (\$1,500) per annum by the county, payable in equal monthly installments from the county treasury in the same manner as the salaries of county officers are paid.

Section 7. The chairman of the board of revenue, court of county commissioners, or other governing body of any county to which this Act applies shall receive a salary of seven thousand one hundred fifty dollars (\$7,150) per annum, and each associate member, other than the chairman, of such county governing body shall receive a salary of six thousand six hundred dollars (\$6,600) per annum, such salaries to be paid in equal monthly installments from the county treasury in the manner prescribed by law. Such compensation shall be in lieu

of all other compensation heretofore provided by law for the chairman and members of such county governing body.

Section 8. The following officers shall receive the following annual salaries in lieu of all other compensation, such salaries to be paid in equal monthly installments as the salaries of other county officers and employees are paid:

(a) Tax assessor—Six thousand six hundred dollars (\$6,600)

(b) Tax Collector—Six thousand six hundred dollars (\$6,600)

(c) Sheriff—Seven thousand eight hundred dollars (\$7,800)

(d) Judge of the County Court—Seven thousand eight hundred dollars (\$7,800).

Section 9. Except as otherwise expressly provided in this Act all fees, commissions, allowances, percentages, charges and costs heretofore collected for the use of any of the officers whose compensation is provided for herein shall be collected and paid into the general fund of the county.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws, general and local, which conflict with this Act are repealed.

Section 12. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:01 A.M.

Act No. 413

H. 879—Daniel, Grant.

AN ACT

To fix the compensation of the deputy solicitor of all counties having a population of not less than 27,000 nor more than 30,000, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having a population of not less than 27,000 nor more than 30,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The deputy solicitor of any county to which this

Act applies shall be entitled to receive an annual salary of eighteen hundred dollars (\$1,800), to be paid from the general fund of the county in equal monthly installments, on warrants drawn in the manner prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:02 A.M.

Act No. 414

H. 881—Callahan, Ferguson.

AN ACT

To apply only in counties in the state having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census, wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties of the state having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word "county" means any county to which this Act applies; the phrase "county governing body" means the court of county commissioners, board of revenue, or other like governing body of any such county; the word "election" means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term "voting center" means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

Section 2. (a) Subject to the provisions of subsection (b), when the use of voting machines at elections in the county has been, or shall hereafter be authorized, the county governing body of the county shall have the authority to designate a voting

center or voting centers in the county. The order so designating voting centers shall state (1) the location of the voting center and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting center. A copy of this order shall be posted at the courthouse door of each county to which this Act applies. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a territory designated hereunder. All of the territory designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the territory. The county governing body may by order abolish a voting territory and discontinue the voting center therein, or may extend or restrict the boundaries of such voting territory and retain the voting center therein, or may subdivide such voting territory and designate an additional voting center therein.

(b) Except as herein expressly provided, in designating voting centers and the territory for which they were established, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940, as amended.

Section 3. The voting list of any territory which is furnished the election officers serving at the voting center designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twelve hundred names the poll list or roll shall be divided into sections of not more than twelve hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication and checking of poll lists shall apply to the poll list of a territory for which a voting center has been established by the county governing body pursuant to authority hereby conferred.

No elector shall vote at any voting center other than the voting center of the territory of which he is a qualified elector, but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

Section 4. The county governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by

the voting center designated for said territory. At least twenty days prior to the time when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forthcoming election; and the officers whose duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body, will be maintained.

Section 5. For each voting center there shall be appointed one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks.

The election officers provided for herein shall be appointed by the same officers that appoint other election officers. They shall perform all duties imposed on election officers by the general law and in addition thereto the following duties: one of the election officers shall be assigned to each section of the poll list and such election officer shall issue to each elector, at the time that such elector signs or records his name on the poll list as required by Act No. 201, approved July 16, 1953, an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words "voter identification card," and they shall contain a space in which shall be entered the initials of the election officer who delivers the card to the elector. The identification cards shall bear neither a number nor the name of a voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid. The inspector shall certify on each statement of canvass form the total number of votes cast on all machines at the voting center and the total number of electors' names checked off the poll list and recorded at such voting center. Election officers provided for by this Act shall be compensated for their services in the same manner and at the same rates provided by law for election officers where voting machines are used.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall be supplemental to other laws regulating the designating of voting places and

the division of voting precincts into voting districts and shall be construed in pari materia with such laws but such provisions of these laws as conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:03 A.M.

Act No. 415

H. 885—Roberts, Reynolds (Madison).

AN ACT

To repeal Act No. 396, S. 550, approved August 16, 1949, entitled "An Act To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken," (Acts of Alabama 1949, p. 567).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 396, S. 550, approved August 16, 1949, entitled "An Act To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken" (Acts of Alabama 1949, p. 567), is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:04 A.M.

Act No. 416

H. 898—Solomon, Chambers.

AN ACT

To amend further Section 1 of Act No. 30, S. 99, approved May 25, 1945, as amended, an act providing for and regulating the compensation of the county superintendent of education of Henry County (Local Acts of Alabama 1945, p. 39).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 30, S. 99, approved May

25, 1945, as amended, which provides for and regulates the compensation of the superintendent of education of Henry County (Local Acts of Alabama 1945, p. 39), is amended further to read as follows:

“Section 1. The board of education of Henry County is hereby authorized to fix the salary of the county superintendent of education at not less than six thousand dollars (\$6,000) nor more than eight thousand dollars (\$8,000) per annum, to be paid at the time and in the manner now provided by the general law for the payment of salaries of county superintendents of education.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:05 A.M.

Act No. 417

H. 901—Merrill, Albea.

AN ACT

To amend Act No. 608, H. 700, Regular Session 1951, an act establishing a retirement fund for policemen and firemen of the City of Anniston (Acts of Alabama 1950-1951, vol. II, p. 1045).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16 and 18 of Act No. 608, H. 700, Regular Session 1951, an act establishing a retirement fund for policemen and firemen of the City of Anniston (Acts of Alabama 1950-1951, vol. II, p. 1045) are hereby amended to read as follows:

“Section 16. Any member of the fire or police departments who has been in service for as long as twenty five years upon making written application to the Board therefor, shall without medical examination or disability, be retired from service in such department. Upon such retirement, the Board shall direct the payment to such retired member, monthly, from the Fund, the amount hereinafter provided for his particular position, office, salary, or class of work.

“Section 18. If any member of the police or fire department becomes physically or mentally permanently disabled for service as a result of injuries received in the line of duty so as to render his retirement from such service necessary, the Board shall retire such member from service and shall order the payment to

him of full retirement benefits as provided in this Act for his particular position, office, salary or class of work. If any member becomes physically or mentally permanently disabled for service as a result of injuries received other than in the line of duty so as to render his retirement from such service necessary, the Board shall retire such member from service and shall order the payment to him of fifty per cent of full retirement benefits as provided in this Act for his particular position, office, salary or class of work. If any member having ten or more years of service becomes disabled for service from any other cause, the Board may retire such member and order payment of benefits to him on the following basis: For 10-15 years of service, \$75 a month; from 15-20 years of service, \$100 a month; for more than 20 years of service, \$125 a month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:06 A.M.

Act No. 418

H. 908—Harris.

AN ACT

To establish a DeKalb County Court for DeKalb County; to define its jurisdiction and powers; To provide for its officers, their powers, duties and compensation; To provide that the said court shall be open at all times for the trial of cases and transaction of business; Prescribing rules and procedure of said Court; and to provide for the transfer of cases now pending in the DeKalb County Superior Court to the DeKalb County Court; To provide for the repeal of the DeKalb County Superior Court, DeKalb County, Alabama, as created by Act No. 637 Acts, 1957, Legislature, pages 956 to 963 inclusive, as amended; To create a fine and forfeiture fund and to provide for payment of claims, to transfer funds from DeKalb County Superior Court Fine and Forfeiture Fund to DeKalb County Court Fine and Forfeiture Fund; To provide for a Solicitor for the DeKalb County Court, his term of office and election, compensation and duties; To provide for payment of expenses of said Court out of the General Fund of DeKalb County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby established in and for DeKalb County, Alabama, a Court which shall be called "The DeKalb County Court", and which shall be a court of record which shall have and exercise the jurisdiction or authority, functions and powers hereinafter conferred upon it by this Act.

Section 2. Said Court shall have original jurisdiction co-extensive with DeKalb County of all civil cases at law and the said court and the Judge thereof shall have the power and authority to administer oaths, to issue search warrants and writs of habeas corpus, prohibition, certiorari, quo warranto, mandamus, and other special and extraordinary writs and the Judge of said court shall have the same power as Circuit Judges with reference to ordering the institution of quo warranto proceedings; and the said court in civil matters shall have jurisdiction concurrent with the Circuit Court. That said court shall have jurisdiction of all causes against persons charged with the commission of misdemeanors, except that this Act shall not restrict the criminal jurisdiction of justices of the peace, and shall have exclusive jurisdiction of all criminal cases appealed from the court of any Mayor, Recorder, Justice of the Peace, Probate Court, appeals from Probate Court in condemnation proceedings, and appeals from the actions of any city or towns from improvement assessments; notary public ex officio, justice of the peace and of bastardy proceedings provided for by Title 6 of the Code of Alabama, 1940, and on all indictments returned against parties charged with misdemeanors, and the Clerk of said Court shall issue capias returnable to said DeKalb County Court. The said DeKalb County Court shall also have exclusive jurisdiction of all Civil cases appealed from any justice of the peace court or of any notary public ex officio justice of the peace.

Section 3. Said Court shall have exclusive jurisdiction over children and the Judge of the DeKalb County Court shall be Judge of the Juvenile Court. It being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the DeKalb County Court of all juvenile matters and juvenile jurisdiction in DeKalb County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama, 1940, or as hereafter amended and appeals in such cases shall be to the Circuit Court.

Section 4. That the DeKalb County Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Section 89 to 104, both inclusive, of the Code of Alabama 1940, or as hereafter amended, which Article 3 is entitled "Desertion and Non-Support". That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be to the Circuit Court.

Section 5. That the Clerk of the DeKalb County Court shall be the Clerk of the Juvenile Court and shall issue complaints,

warrants, notices, orders, decrees and writs necessary in and about the operation of said Court.

Section 6. All laws and rules of practice with reference to process, pleading and practices, and drawing of juries in the several proceedings in the Circuit Court shall be applicable to the DeKalb County Court and all statutes and rules of practice pertaining to County Courts and to the Circuit Court shall be applicable to criminal causes pending in said Court.

Section 7. Prosecutions for misdemeanors committed in DeKalb County may be instituted in the DeKalb County Court by making an affidavit before the Judge, Clerk or Solicitor of said court. The writ on said affidavit to be issued by the Clerk, Judge or Solicitor of said Court, and when the defendant is arrested on said affidavit, said cause may be docketed for trial and be tried as though the defendant had been indicted by a grand jury.

Section 8. That all civil cases are to be tried by the Court without the intervention of a jury, unless at the time of the filing the suit, plaintiff shall endorse upon the summons and complaint a demand for a jury trial or that the defendant or claimant at the time of filing the first pleading in the case or at the time of making his appearance shall demand a trial by jury in writing to be filed in the cause, and provided further that all criminal cases shall be tried without the intervention of a jury, unless a demand for a jury is endorsed upon the bond at the time of making the same or a demand in writing to be filed in the cause within fifteen days after the defendant is released on bail or at the first call of the non jury docket after arrest.

Section 9. In all causes in the DeKalb County Court brought by appeal or certiorari from justices of the Peace Court, Mayors' Courts, Recorders Court, Probate Courts, or other inferior courts, the issue and question of facts shall be tried by the Judge of the Court without the intervention of a jury unless a demand for a trial by jury be made in writing and filed in the cause by the party suing out the appeal or certiorari within five days after suing out the same or filed in the cause by the opposite party in all civil actions within five days after he has been served with notice of appeal or certiorari, unless said cause is sooner called for trial in which case the demand shall be made at the first call of said cause.

Section 10. That all cases in the Probate Court of DeKalb County, Alabama, wherein a will is sought to be probated, the

filing of any contest shall automatically transfer the trial of such contest to the DeKalb County Court and it shall be the duty of the Judge of Probate to deliver forthwith to the Clerk of said Court all papers filed in said contest, and same shall stand for trial as any other civil case. That all notices shall be issued by the Clerk of said Court as are now required to be issued by the Judge of Probate in the contest of wills and the rules for the trying the same as provided for trials of civil cases as to the drawing and empaneling of a jury, provided, however, that either party desiring a jury trial may file a written demand therefor at any time within thirty days from the date of the filing of the cause in the DeKalb County Court or at the time of said cause is first called for trial, if called within said time. That the final judgment entry of said contest shall be certified by the clerk of said Court to the Judge of Probate and by him recorded in the Probate Court minutes and acted upon as though it had been rendered in the Probate Court.

Section 11. That civil cases may be transferred from the DeKalb County Court to the Circuit Court in Equity for the same reason and in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the Equity side of said Court.

Section 12. The Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court and in the Judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Court of the State, and the Judges thereof and appeals may be taken from the orders and judgments of said Court to the Supreme Court and Court of Appeals in the same manner and within the same time as appeals are now taken from the orders and judgments of the Circuit Courts of the State, except as may be otherwise provided for juvenile cases and desertion and non-support cases.

Section 13. The Venue in any case in the said DeKalb County Court shall be changed to any other county under the same orders and regulations as governed by change of venue in the Circuit Court.

Section 14. That the Honorable W. G. Hawkins, is hereby appointed Judge of said Court, and shall hold office as Judge of said court until the second Tuesday after the first Monday in January, 1967, and until his successor shall be elected and qualified. A Judge of said court shall be elected by the qualified electors of DeKalb County at the general election to be held in

1966, and each six years thereafter, and the term of the Judge of said court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of six years and until his successor shall be elected and qualified.

Section 15. Vacancies of the office of the Judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the constitution of this State. Said Judge shall be removed from office in the same manner now provided by law for the removal of Circuit Judges. The Chief Justice of the Supreme Court of Alabama may, where he deems proper, by order spread on the minutes of the DeKalb County Court, designate any Circuit Judge to hold said Court or to try any cause pending in said Court.

Section 16. That the Clerk of the Circuit Court of DeKalb County shall be ex officio clerk of said Court and shall have the powers to discharge the duties which will devolve upon the clerk of the Circuit Court and shall be subject to the same pains and penalties with regard to the duties of the office and the Deputy Clerk of the Circuit Court of DeKalb County shall be ex officio deputy clerk of the DeKalb County Court and exercise the same powers and duties as are exercised in the Circuit Court by such deputy clerks.

Section 17. That the Judge of said court shall receive a salary of Seven Thousand Two Hundred Dollars per annum, payable in equal monthly installments at the end of each month out of the county treasury, and said salary shall be a preferred claim against any funds in said Treasury, superior to all other claims.

Section 18. That there shall be a Solicitor of the DeKalb County Court who shall receive a salary of Six Thousand Dollars per annum, payable in monthly installments out of the County Treasury at the end of each month and all Solicitor's fees taxed and collected in said court shall be paid into the County Treasury of DeKalb County for the benefit of the general fund of said County. The Honorable W. Jay Tindle is hereby appointed Solicitor of the DeKalb County Court, and shall hold said office until the second Tuesday after the first Monday in January, 1963, and until his successor shall be elected and qualified. A solicitor of said Court shall be elected at the General Election to be held in 1962 and each four years thereafter, and the term of the Solicitor shall be for four years, commencing on the second Tuesday after the first Monday in January, following his election, and until his successor is elected and quali-

fied. It shall be the duty of the Solicitor of said Court to prosecute all criminal cases pending in said court and to attend upon the sessions of the Grand Jury of DeKalb County, Alabama, and to assist the Circuit Solicitor in drawing of indictments and in the prosecution of criminal cases pending in the Circuit Court of DeKalb County when requested to do so by the Circuit Solicitor. There shall be no deputy solicitor in DeKalb County. Vacancies in the office of Solicitor of said County shall be filled by the Governor and such appointee shall hold said office for the unexpired term. The Solicitor of said court shall maintain an office at the Court House of DeKalb County, and it shall be the duty of the DeKalb County Commission or other like governing body of DeKalb County, Alabama, to provide such an office, and supply the same with the necessary furnishings, fixtures, stationary and supplies.

In addition to the other duties herein set forth it shall also be the duty of the Solicitor of the DeKalb County Court to prosecute cases filed under Article 4 of Chapter 4 of Title 34 of the Code of Alabama 1940 as recompiled in 1958 commonly referred to and cited as Alabama Uniform Reciprocal Enforcement of Support Law, and to offer legal aid and assistance in such cases and attend hearings of such cases in the Equity Court of DeKalb County and to perform such other duties as may be necessary in the enforcement of said law.

Section 19. The Solicitor of said Court shall be learned in the law and shall be licensed as an attorney at law and solicitor in chancery by the Supreme Court of Alabama, and shall devote his full time to the duties of his office and shall not during his term of office, engage in the private practice of law. The Solicitor shall be a qualified elector of DeKalb County, Alabama, and shall reside in DeKalb County during his term of office.

Section 20. That the said Court shall be held at the Courthouse of DeKalb County, Alabama, and that said Court shall be open at all times for the trial of cases and the transaction of business. In case of sickness or disqualification of the Judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply. The Judge of the said Court shall be subject to the same penalty for failure to attend upon the Court as Circuit Judges of this State. The Judge of said Court shall keep an office at the Courthouse of DeKalb County, and it shall be the duty of the DeKalb County Commission or other like governing body of DeKalb County, Alabama, to provide such an office, and supply the same with the necessary furnishings, fixtures, stationary and supplies.

Section 21. The Judge of said Court may determine and fix the time of holding the sessions of said court for the trial of all cases triable in said court; provided that the Judge of said Court shall, at the beginning of each year, designate the time at which the sessions of said court shall be held for a period of at least one year by making and entering an order upon the minutes of said court; provided that the Judge of said Court may call and hold special, extra or adjourned sessions of said court when in his judgment it is necessary to do so.

Section 22. The Sheriff of DeKalb County shall, in person or by a deputy or deputies, appointed by him, said appointment to be approved by the Judge of the DeKalb County Court, be required to attend upon said court, and preserve order, and execute all writs or process and perform such other duties, in all respect as in the circuit courts of this state and for himself and each deputy required for attendance upon the sessions of the said court, he shall receive the sum of \$5.00 per day, payable out of the County Treasury, upon his warrant, approved by the presiding Judge, provided that the Sheriff and his deputies shall not receive pay except for the times that the court is actually in session, and none of which compensation to the deputies shall be shared in by the Sheriff.

Section 23. The Clerk shall have an official seal for said court.

Section 24. The Judge of said Court shall appoint a competent shorthand reporter to perform the official duties of official court reporter of said Court, who shall hold office at the pleasure of the Judge, and said reporter shall receive a salary of Thirty-six Hundred Dollars (\$3600.00) per year payable in equal monthly installments out of the general fund of DeKalb County. Said reporter shall be entitled to receive from litigants or their attorneys the same fees and compensation as are now or hereafter received by the Circuit Court Reporters for preparing transcripts of evidence in appealed cases and for taking depositions in said court, or any other Court. Said reporter shall also serve as secretary to the Judge.

In all criminal cases in said court it shall be the duty of the Clerk to collect as part of the cost a reporter's fee in the sum of Five Dollars (\$5.00) in all cases in which there is a conviction or plea of guilty.

In all civil cases in which there is a trial it shall be the duty of the Clerk of said Court to collect as part of the cost a reporter's fee of Five (\$5.00) Dollars and in all civil cases in which there is a settlement between the parties, or judgment

entered by agreement, the Clerk shall collect as part of the cost a reporter's fee of Two Dollars and Fifty Cents (\$2.50), and all reporter's fees in both criminal and civil cases so collected by the Clerk shall be paid by him into the general fund of DeKalb County at the end of each month.

The said Court Reporter shall have authority to administer oaths and shall be an officer of the Court and shall not be related to the Judge of said court within the fifth degree.

Section 25. All laws pertaining to costs and fees in cases in the Circuit Courts as provided by the general laws of this State or local laws particularly Act 144 of Acts of Alabama 1959 as set for in Vol. 1, page 664 of said Acts, regarding the Law Library fund of said county shall be applicable in said court as to the civil and criminal cases, except as otherwise herein provided. A trial tax of Two Dollars is imposed in each case, both criminal and civil which is docketed in said Court to be taxed and collected as other cost in said Court and all costs when collected to be paid into the County Treasury for the benefit of the general fund.

Section 26. The Judge of said Court shall be a qualified elector of DeKalb County, Alabama; and shall be learned in the law, and shall be licensed as an attorney at law and solicitor in chancery by the Supreme Court of Alabama, and shall devote his full time to the duties of Judge of said Court and shall not engage in the private practice of law.

Section 27. That there is hereby created a fine and forfeiture fund for the DeKalb County Court of DeKalb County, Alabama, to be known as "The DeKalb County Court Fine and Forfeiture Fund", and all fines and forfeitures assessed and collected in said court shall be deposited in said Fine and Forfeiture Fund of the DeKalb County Court.

Section 28. Only claims accruing in the DeKalb County Court will be valid claims against said fund and all claims now registered against the DeKalb County Superior Court Fine and Forfeiture Fund as created by Act No. 637, Page 956 of the 1957 Acts of the Legislature of Alabama, to be re-registered against the DeKalb County Court Fine and Forfeiture Fund within six months after the passage and approval of this act or else they will be barred against said fund.

Section 29. The Sheriff's and Clerk's claims originating in the DeKalb County Court, when registered, shall be on a par with witnesses' claims against said fund, and all claims against said fund shall be paid upon certificate of the clerk of the DeKalb County Court stating that said claims have been properly

registered and are legal claims against said fund, and the Clerk of the DeKalb County Court shall be the custodian of said fine and forfeiture fund.

Section 30. That should, at any time, the DeKalb County Court Fine and Forfeiture Fund accumulate a sum in excess of Five Hundred Dollars above the claims outstanding against said fund, said excess shall be paid over to the County Treasury of DeKalb County, Alabama, for general county purposes by the Custodian of said fund.

Section 31. That the DeKalb County Superior Court of DeKalb County, Alabama, as created by Act No. 637, pages 956 to 963, inclusive, of the 1957 Acts of the Legislature of Alabama, is hereby abolished from and after the passage of this Act, and shall no longer exist and all cases pending in said DeKalb County Superior Court of DeKalb County, Alabama, when this act becomes a law, shall immediately become pending upon the docket of the DeKalb County Court, DeKalb County, Alabama, as though originally brought in said court and shall be called for trial as other cases in said court.

Section 32. That the DeKalb County Superior Court Fine and Forfeiture Fund, created by Act No. 637, pages 956 of the 1957 Acts of the Alabama Legislature, is hereby abolished from and after the passage of this Act, and shall no longer exist and all funds accumulated in said DeKalb County Superior Court Fine and Forfeiture Fund are hereby transferred to the DeKalb County Court Fine and Forfeiture Fund and shall be administered as other funds in said fine and forfeiture fund.

Section 33. The Custodian of the DeKalb County Court Fine and Forfeiture Fund shall keep a Register of all claims filed against said fund and claims shall be paid in their order of registration and all claims shall be numbered and no claims shall be paid until registration and said register shall be open to public inspection.

Section 34. That if for any reason any section, provision or clause of this Act be held unconstitutional or invalid, that fact shall not destroy the constitutionality of this act except as to that clause or section.

Section 35. That all laws or parts of laws in conflict with this act are hereby repealed.

Section 36. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:07 A.M.

Act No. 419

H. 914—Hanby, Copeland, Roberts,
Reynolds (Madison).

AN ACT

To repeal Act No. 559, H. 955, approved September 9, 1953, an act relating to statements as to encumbrances upon certain real property in certain counties classified on a population basis (Acts of Alabama 1953, vol. II, p. 797).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 559, H. 955, approved September 9, 1953, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 134,000, according to the last or any subsequent federal decennial census; authorizing any purchaser or encumbrancer of real property situated in any municipality in any such county, or the attorney of such purchaser or encumbrancer, to request in writing from the clerk of the municipality in which the property is located a statement as to whether there is or will be any encumbrance against a particular piece of property because of any public improvement for which an ordinance has been adopted" (Acts of Alabama 1953, vol. II, p. 797), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 10:08 A.M.

Act No. 420

H. 915—Hanby, Copeland.

AN ACT

To repeal Act No. 233, H. 570, approved July 17, 1951, an act relating to benefit payments of employees of certain cities classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 502).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 233, H. 570, approved July 17, 1951, entitled "An Act Relating to cities having populations of not less than 57,000 nor more than 127,000 inhabitants: To provide for the payment of benefits to employees of any such city who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such city who are killed in the performance of

their official duties" (Acts of Alabama 1950-1951, vol. I, p. 502), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 10:09 A.M.

Act No. 421

H. 916—Hanby, Copeland, Roberts,
Reynolds (Madison).

AN ACT

To authorize and empower the county governing body in any county of this State, having a population of not less than 100,000 and not more than 135,000, according to the last or any subsequent federal decennial census, to employ one or more probation officers, to work with courts in such counties having jurisdiction of juvenile offenders, and to authorize the payment of the salary and expenses of such probation officer, and to authorize and empower municipalities in such counties to join with such counties in the payment of the salaries and expenses of such probation officer.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in counties of this State having a population of not less than 100,000, and not more than 135,000 according to the last or any subsequent federal decennial census.

Section 2. In all counties of this State coming within the purview of this act, the governing body of such county is authorized and empowered to employ one or more probation officers for any court in such county, having jurisdiction of juvenile offenders, and is authorized and empowered to fix the salary of such probation officer and to pay such salaries and necessary expenses, out of any funds of such county, not otherwise appropriated, provided that such probation officer meets the qualifications prescribed by Title 13, Section 360, Code of Alabama, 1940.

Section 3. Any municipality in such county is hereby authorized to join with such county in the payment of such salary and expenses, and is authorized to pay its portion out of any funds in its treasury, not otherwise appropriated.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:10 A.M.

Act No. 422

H. 917—Copeland, Hanby, Roberts,
Reynolds (Madison).

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 136,000, according to the last or any subsequent federal decennial census; authorizing any purchaser or encumbrancer of real property situated in any municipality in any such county, or the attorney of such purchaser or encumbrancer, to request in writing from the clerk of the municipality in which the property is located a statement as to whether there is or will be any encumbrance against a particular piece of property because of any public improvement for which an ordinance has been adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having populations of not less than 100,000 nor more than 136,000, according to the last or any subsequent federal decennial census.

Section 2. Any purchaser or encumbrancer of real property situated in any municipality in any such county, or the attorney of such purchaser or encumbrancer, is authorized to request in writing from the clerk of the municipality in which the property is situated a statement as to whether there is or will be an encumbrance against a particular piece of property because of any public improvement for which an ordinance has been adopted by the governing body of the municipality. And any such statement which declares that there is not or that there will not be any assessment against the property because of any public improvement for which an ordinance has been adopted before the execution of the statement shall be binding upon the municipality, and the municipality shall have no claim against the property arising out of any public improvement ordinance which existed at the time of the aforesaid statement, notice of which was not given as requested.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961
Time: 10:11 A.M.

Act No. 423

H. 920—Adams

AN ACT

To regulate the compensation of the coroner of Houston County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The entire compensation of the coroner of Houston County shall be an annual salary of six hundred dollars payable out of the general fund of the county in equal monthly installments. Such compensation shall be in lieu of all commissions, fees percentages, or allowances as prescribed by general, special, or local laws, except when the coroner is acting instead of the sheriff, in which case he shall be entitled to the same compensation as the sheriff.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:12 A.M.

Act No. 424

H. 921—Adams.

AN ACT

To Amend the following Sections of Act No. 103-H. 363, approved June 18th, 1953 (Acts of Alabama 1953, Pages 145-154), which provides for the establishment of a City of Dothan Pension and Retirement System.

Be It Enacted by the Legislature of Alabama:

The following Sections of Act No. 103, H. 363, approved June 18th, 1953, (Acts of Alabama 1953, Pages 145-154), which provides for the establishment of a City of Dothan Pension and Retirement System, is amended to read as follows:

"Section Four, (1), (a) Five per cent (5%) of the first Forty-eight Hundred Dollars (\$4800.00) to be deducted from each member's pay on each and every payroll. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquaintance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the minimum compensation provided for by Law for any member shall be reduced thereby. Each amount so deducted shall be

paid into the Annuity Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

Section Four, (1), (f) All amount or amounts of money heretofore paid by any member on any amount of his or her salary in excess of a total annual salary of Forty-eight Hundred Dollars (\$4800.00) shall be forthwith refunded to said member, upon proper application being made in writing to the Pension Board.

Section Five, (4), Is hereby deleted from this said Act, and shall be henceforth void and not to be considered as a part of this said Act.

Section Six. SERVICE RETIREMENT BENEFITS.

(2) Full Retirement. Any employee-member who shall have served or accumulated thirty (30) years of creditable service, shall be eligible for full retirement. Such employee may be retired upon proper application and for the rest of his life receive as a retirement allowance a sum payable from the Retirement Fund amounting to the number of years creditable service accumulated multiplied by fifty per cent (50%) of the first Forty-Eight Hundred Dollars (\$4800.00) of his average annual salary for the previous five years divided by thirty (30) to determine the annual amount due, payable in monthly installments, provided no monthly payment shall exceed a maximum of \$200.00 for thirty (30) years service. Continuation of employment beyond thirty (30) years shall entitle such an employee additional retirement benefits to be computed on the basis of one-thirtieth (1/30th) of his retirement benefit, for each additional years service (in excess of said original 30 year employment).

(3) Any employee-member who has attained the age of sixty (60) on his last birthday, and has served or accumulated a total of fifteen (15) years creditable service, may retire voluntarily for reasons of his own. Upon retirement under the provisions of this section, such employee shall receive as a retirement allowance the rest of his life, a sum payable from the Retirement Fund equal to the number of years creditable service accumulated multiplied by fifty per cent (50%) of his average annual salary for the previous five (5) years and divided by thirty (30) to determine the annual amount due, payable in monthly installments.

(4) Disability Retirement. Any employee-member who has served or accumulated as much as ten (10) years creditable

service, may be retired on a disability retirement allowance provided that a Medical Board, to be composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability such employee-member shall receive as a retirement allowance for the rest of his life, unless such amount shall be modified or changed by proper action as hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty per cent (50%) of the first Forty-eight Hundred Dollars (\$4800.00) of his average annual salary for the previous five (5) years multiplied by the number of years creditable service limited to a maximum of twenty (20), and divided by twenty (20) to determine the annual amount due, payable in monthly installments.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:13 A.M.

Act No. 425

H. 924—Harris.

AN ACT

Relating to DeKalb County; to provide for payment of compensation to deputies of the sheriff of DeKalb County who are engaged in enforcing state traffic and motor vehicle laws from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Whereas it is the special duty of the Sheriff and his deputies of each county to enforce state traffic and motor vehicle laws within the county, the court of county commissioners, board of revenue, or other like governing body of DeKalb County may, in its discretion, as a part of the cost of traffic regulation in the county, pay in whole or in part the compensation of those deputies of the sheriff of DeKalb County who are engaged either full time or part time in enforcement of state traffic and motor vehicle laws from the county public

highway and traffic fund instead of the general fund of the county, or any other fund heretofore designated by law.

Section 2. The provisions of Act No. 66, H. 382, Regular Session 1957, or of any other law in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved August 7, 1961

Time: 10:14 A.M.

Act No. 426

H. 925—Harris.

AN ACT

Relating to and providing for the reidentification of voters in DeKalb County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of DeKalb County is hereby directed to purge all lists of the registered electors of DeKalb County to the end that the names of all who are deceased or non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of DeKalb County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1964; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1961, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the retirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1964.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of DeKalb County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the voter votes prior to October 1, 1964, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1964.

(e) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

DeKalb County, Alabama

Date:....., 19.....

Name: _____
(First) (Middle) (Last)

Legal Residence Address:.....
(Street or Route)

City or Town:.....

State:

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, and I have not been disqualified from voting in the county by conviction of a disqualifying crime or otherwise.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed: _____
(Signature of Voter)

Witnessed before me this _____ day of _____, 19_____.

Registrar—Judge of Probate—Election Official—
Commissioned Officer U. S. Armed Forces.

Section 4. Any qualified elector of DeKalb County who shall have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided. However, after September 1, 1964, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5: Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector, or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of DeKalb County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days per annum, in excess of the maximum now provided by law for the purpose of purging such list, and shall be

entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:15 A.M.

Act No. 427

H. 928—Pruitt, Harvey.

AN ACT

To authorize the governing body of any county in this state having a population of not less than 20,000 nor more than 21,000 to provide for the employment of an additional assistant in the office of the judge of probate of the county for a portion of each fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county in this state having a population of not less than 20,000 nor more than 21,000 according to the 1960 or any subsequent federal decennial census shall provide for the employment of one additional clerk in the office of the judge of probate for each of the first four months of each fiscal year to assist the judge of probate in the performance of his official duties. Such clerk shall be entitled to a salary of \$150 per month payable out of the general fund of the county in the same manner that other employees of the county are paid upon the certificate of the judge of probate to the governing body of such county stating that such clerk has actually been employed in such office. The judge of probate shall appoint and may discharge at his pleasure the clerk hereby authorized.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:16 A.M.

Act No. 428

H. 933—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 150,000 people and not more than 300,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the Board and for the selection and compensation of its members; providing for the continued service of any board presently serving under any prior Act of the Legislature; providing for the selection, powers, duties and compensation of the personnel director; to require certification of county, municipal, public corporation, board and commission payrolls; making it a misdemeanor to violate the provisions of the Act; repealing all laws or parts of laws inconsistent with the provisions hereof; and providing for an effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In each county of the State which has a population of not less than 150,000 people and not more than 300,000 people, according to the last or any subsequent Federal Census, there is hereby created and established a personnel department for the government and control of all employees and appointees holding positions in the classified service, as defined in Section 4, of each such county and in all municipalities in each such county having a population of 5,000 or more people according to the last or any subsequent Federal Census.

(b) The Personnel Department shall consist of a Personnel Board and a Personnel Director. The Personnel Board shall consist of three members with six year terms, to be appointed in the following manner: one by the governing body of the county, one by the governing body of the municipality therein having the greatest population at the time of such appointment according to the most recent Federal Census, and one by a majority of the circuit judges and probate judge of the county. At the expiration of the term of each member, his successor shall be appointed for a term of six years by the authority appointing the member whose term has expired; provided, however, that any personnel board appointed pursuant to the provisions of any prior acts of the Legislature affecting such counties and municipalities affected by the provisions of this Act, shall continue to serve as the personnel board under the provisions of this Act until the expiration of their respective terms under the prior acts of the Legislature. Vacancies on the Board shall be filled for the unexpired term by the authority appointing the vacating member.

(c) The members of the Board shall be qualified electors of the county. No person shall be appointed to the Board who holds any salaried public office or employment, nor shall any member, while a member of the Board or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the county or municipality or any county or municipal elective office.

(d) The Board shall hold one regular meeting each month and such special meetings as it shall deem necessary. The members of the Board shall receive ten dollars (\$10) per diem for each meeting of the Board they attend.

Section 2. The members of the Board shall elect one of their number as chairman. The Board shall determine the order of business for the conduct of its meetings and shall meet on the call of the chairman or two of the members. Two members of the Board shall constitute a quorum for the transaction of business. The functions of the Board shall be:

(a) To formulate and promulgate a set of rules to supplement this Act and revisions and amendments thereof.

(b) To act in an advisory capacity to the governing bodies of the county and municipality on problems concerning personnel administration.

(c) As provided by this Act and by rule, to hear and decide appeals submitted by any person in the competitive service relative to any situation connected with his employment status or condition of employment.

(d) In any investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of county or municipality. Each member of the Board shall have the power to administer oaths to witnesses.

(e) To hold hearings on and adopt or revise the position classification plan. The Board shall adopt a position classification plan and class specifications and revisions thereof, allocate and reallocate positions in the competitive service to classes.

(f) To establish, after consultation with the governing body of the county and the governing body of municipalities and the elective officials of the county, coming within the provisions of this act, a pay plan for all employees in the classified

service. Such pay plan shall include, for each class of positions, a minimum and a maximum rate or rates as may otherwise in specific instances be fixed by law and such intermediate rates as may be deemed necessary or advisable by the personnel Board.

Section 3. (a) The Personnel Board shall appoint a Personnel Director whose duty it shall be to act in the capacity of director for the Personnel system. He shall act as secretary at Board meetings, and shall be the Board's executive officer, but shall not have a vote in determining the Board's policy. He shall perform such duties as are assigned to him by the Board. The compensation of the Director shall be fixed by the Board at a sum not to exceed the maximum rate adopted for classified employees who serve as department heads or as administrative officers for a department. The Director shall:

- (1) Attend all meetings of the Personnel Board.
- (2) Administer all provisions of this Act and the rules established hereunder, not specifically reserved to the Personnel Board.
- (3) Under the directions of the Board, prepare rules, and revisions and amendments thereof for the consideration of the Board.
- (4) Under the direction of the Board, prepare a position classification plan and class specifications and provisions thereof, for the consideration of the Board.

(b) The Director shall recommend to the Board and the Board shall establish, after consultation with the governing body of the county and the governing body of municipalities and the elective officials of the county, coming within the provisions of this Act, a pay plan for all exempted or unclassified employees except.

Officials elected by popular vote and, in case of death, resignation, or removal, their legal substitutes.

Members of appointive boards, commissions or committees.

Employees appointed or employed by the county or city board of education.

Persons in the "Classified Service" within the meaning of and subject to the State of Alabama Merit System under any present or future law, and so long as any such law remains effective and any person whose employment is subject to the approval of the United States Government or any agency thereof.

The Register of the Circuit Court, and the bailiff and court reporter appointed by each judge of the Circuit Court.

Any employee receiving his compensation from any elected official.

Attorneys, physicians, surgeons and dentists who serve part time, excepting the City Recorder and City Prosecutor.

The County Agent, Assistant County Agent, Home Demonstration Agent and Assistant Home Demonstration Agent.

Section 4. The provisions of this Act shall apply to all officers and employees in the service of the county and affected municipalities, except:

(a) Elective officials. Provided however, that in the event the status of an elective officer of the county or municipality is changed to that of an appointive officer, then at the expiration of the term of office of any such officer, the person holding the office at the time of the expiration of the term, providing that he shall have served in such position for a period of at least six months continuously, immediately prior to the expiration of the term of office, shall assume regular status in the competitive service without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this Act.

(b) Members of appointive boards, commissions, and committees.

(c) All employees or appointees of the city or county board of education, or persons engaged in the profession of teaching or in supervising teaching in the public schools; excepting, however, personnel employed in kindergartens or schools not a part of the city or county school system operated under the direction and supervision of the city or county board of education.

(d) Common laborers.

(e) Attorneys, physicians, surgeons and dentists who, with the express or implied permission of any appointing authority or of the county or municipality, hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; excepting, however, municipal recorders or assistant recorders and city or municipal prosecutors or assistant city or municipal prosecutors.

(f) The personnel director provided for by this act.

(g) Persons in the "classified service" within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective.

(h) One private secretary or executive assistant of a member of the governing body of such municipality, the bailiff appointed by each judge of the circuit court, and two clerks to be designated by each county elective official and also the Register of the Circuit Court except the member of the Board of Revenue; and any employee receiving his compensation from any elected official of the county.

Offices, positions and employments not exempted above shall constitute the competitive or classified service of the county and affected municipalities. It is intended hereby to include within the competitive or classified service all offices, positions and employments in each such county and any such municipalities therein as these offices, positions and employment now exist, or as they may hereafter exist, the holders of which are paid, whether by salaries, wages and fees, in whole or in part from funds of any such county or municipality, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer except those hereinabove enumerated in this Section. It is also intended hereby that the competitive or classified service shall include all personnel of any public corporation, board, committee, or commission, appointed or created by the governing body of any such county or municipality whether the salaries, wages or compensation of such officers or employees are paid directly by such county or municipality; provided, however, the appointed members of any such public corporation, board, committee or commission shall not be included in the competitive or classified service.

(i) One clerk, deputy or employee to be named by the Clerk of the Circuit Court for his office, and one clerk, deputy or employee to be named by the Register of the Circuit Court for his office.

Section 5. In addition to such other matters as may be necessary and proper to carry out the intent and purposes of this Act, rules shall be formulated and adopted by the Personnel Board establishing specific procedures to govern the following phases of the personnel program:

(a) The preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service.

(b) The formulation of minimum standards and qualifications for each class of position.

(c) The public announcement of vacancies and examinations and the acceptance of applications for employment.

(d) The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.

(e) The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.

(f) The evaluation of employees during the probationary period.

(g) The transfer, promotion, demotion and reinstatement of employees in the competitive service, provided that no person shall be transferred, promoted or demoted without the approval of the officer in whom the power to make the appointment is vested by law.

(h) The separation from the service of employees through layoff, suspension, dismissal, and for incapacity to perform required duties.

(i) The standardization of hours of work, attendance and leave, regulations, working conditions, and the development of employee morale, welfare and training. Provided, that no rule or regulation shall prohibit or prevent any employee from working over-time should it be necessary in the public interest in the opinion of the officer in whom the power to make appointments is vested by law.

(j) The maintenance and use of necessary records and forms.

Section 6. (a) Appointments to vacant positions in the competitive or classified service shall be made in accordance with the rules established hereunder and from employment lists resulting from competitive examination, or by promotion, transfer, demotion or reinstatement. Appointments shall be made by the governing body of the county or municipality, or by the officer in whom the power to make appointments is vested by law.

(b) If appointment is to be made from employment or promotional lists, the names of persons willing to accept appointment shall be certified by the Personnel Director in the order in which they appear on the lists. The number of names certified shall exceed by four the number of vacancies to be filled.

(c) In the absence of appropriate employment lists, a temporary appointment may be made by the appointing power of a person meeting the minimum qualifications for the position, provided, however, that an employment list shall be established for such position within ninety days. No person shall be employed under temporary appointment for a total of more than ninety days in any fiscal year. In the event of emergency, the appointing power may appoint such persons as are required to meet the situation but such appointment shall not exceed thirty working days, except in case of a war emergency so declared by an Act of Congress, such appointments may continue until the termination of such emergency.

(d) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists, for service rendered under a temporary appointment.

(e) During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of any employee, the vacancy created may be filled by the appointing power only by temporary appointment.

Section 7. (a) All original and promotional appointments shall be for a probationary period of six months during which the employee may be rejected by the appointing authorities as set out in Section 6 (a) herein at any time without right of appeal or hearing in any manner.

(b) An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this Act and the rules.

(c) Any employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to the position from which he was promoted or transferred if within six months after such promotion or transfer action is taken to dismiss him, unless charges are filed and he is discharged in the manner provided in this Act and the rules established hereunder for positions in the competitive service.

Section 8. (a) Any person holding a position or employment included in the competitive service, who, on the effective date of this Act, shall have served continuously in such position, or in some other position included in the competitive service, for a period of at least six months immediately prior to such

effective date, shall assume regular status in the competitive service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this Act.

(b) Any other persons holding positions or employments in the competitive service shall be regarded as holding their positions or employment as probationers who are serving out the balance of their probationary periods before obtaining regular status.

Section 9. The governing bodies of the county and municipality and any officer in whom is vested by law the power to make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this Act and the rules established hereunder, it being the intent and spirit of this Act to provide a fair and just approach to county and municipal employment in order that employees may be selected and promoted on a merit basis, but in no sense to impair the efficiency of the public service.

(b) Any person holding a position or employment in the competitive service shall be subject to suspension without pay by the appointing power and without right of appeal, but such suspension shall not exceed a total of thirty days in any fiscal year.

Section 10. (a) Any employee in the competitive service who has been demoted, dismissed or reduced in pay, shall be entitled to receive a written statement of the reasons for such action within three days, and he shall have three days' time thereafter within which to answer in writing thereto. A copy of such charges and answer shall be filed with the Personnel Director. In the event the employee files an answer, a copy of such written charges and of such answer shall be transmitted by the Personnel Director to the Personnel Board. Within ten days from the date of filing his answer to the written charges, or in the event such written charges have not been made available to him within the time prescribed, then within ten days after the action taken to demote, dismiss or reduce the pay of the employee, he may file a written demand with the Personnel Director requesting a hearing before the Personnel Board. The Board shall then investigate the case and conduct a hearing as provided by this Act and by the rules.

(b) The provisions of this Section and of Section 11 shall not apply to reductions in pay which are part of a **general plan**

to reduce salaries and wages as an economy measure or as a part of a general curtailment program.

Section 11. (a) Any employee in the competitive service shall have the right to appeal to the Personnel Board relative to any situation affecting his employment status or conditions of employment except in instances where the right of appeal is prohibited by this Act. Thereupon the Board shall make such investigation as it may deem necessary and within twenty days after the request for hearing was filed by the employee, the Board shall hold a hearing, at which time it shall hear evidence for and against such employee. Hearings may be informally conducted and the rules of evidence need not apply.

(b) Within ten days after concluding the hearing, the Personnel Board shall certify its findings and order to the authority from whose action the appeal was taken. Such official shall then affirm, revoke or modify the action taken so as to conform with the findings and order of the Board. The findings and order of the Personnel Board shall be final and conclusive and shall not be reviewable in any court.

Section 12. Whenever in the judgment of the governing body of the county or municipality or any elected county official it becomes necessary in the interest of economy or because the necessity for any position in its or his department no longer exists, it or he may abolish any position or employment in the competitive service and lay off the employee holding such position or employment without filing written charges and without the right of appeal. The name of such an employee so laid off shall be placed at the top of the appropriate employment list or lists as provided by the rules.

Section 13. (a) No person holding a position in the competitive service shall seek or accept election, nomination or appointment as an officer of a county or municipal political club or organization, or take an active part in, or make any contribution or donation to, any county or municipal political campaign, or serve as a member of a committee of such club or organization or circle, or seek signatures to any petition provided for by any election law, or act as a worker at the polls, or distribute badges or pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election, or for nomination to a public office, whether county or municipal; provided, however, that nothing in this Act shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom

from all interference in casting his vote or from seeking or accepting election or appointment to a public office.

(b) Any wilful violation of this Section, or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any person in the competitive service.

Section 14. No officer, agent, clerk or employee, under the government of the county or municipality, and no candidate for any county or municipal office shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary for any political purpose whatsoever, from anyone holding any position in the competitive service under the provisions of this Act.

Section 15. In any matter requiring the services of an attorney, the personnel board may call upon the county or city attorney of any such county or city to render such legal services to the board as it may deem necessary or advisable, or the board may employ independent counsel and the compensation of such independent counsel shall be paid as other employees of the board are paid.

Section 16. The compensation and all other expenses of the Personnel Board, the Personnel Director and all others arising under the provisions hereof, shall be paid by warrants drawn by the Board of Revenue on the General fund of the county. At the end of the county's fiscal year it shall prorate the total sum which it has expended for the purpose of this Act between itself and the municipality subject to this Act, charging each with such part of the total sum so expended as the total number of employees of such county, or municipality, who were subject to the provisions of this Act on the last day of the county's fiscal year, bears to the total number of employees of both county and municipality subject to the provisions of this Act on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution or each shall be certified to the Personnel Director and when approved by him in writing, shall become a liability of the municipality and shall be paid immediately to the county. In the event the salaries of a county or municipality are paid in part from different treasuries or different funds, in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion, as the salaries of the employees of the county or municipality are paid therefrom. In the event any contribution levied hereunder shall not be paid within thirty days after approval by the Personnel Director, the county may

bring suit therefor in any court of competent jurisdiction and any judgment so recovered shall be satisfied from any funds in such treasury or funds against which such contribution levy lies.

Section 17. It shall be unlawful for any county, municipal, public corporation, board or commission, official, officer or employee, or any other fiscal officer, to draw or issue any warrant on the county, municipal, public corporation, board or commission treasury, or county, municipal, public corporation, board or commission depository, for the payment of any salary or compensation to any person in the county, municipal, public corporation, board or commission service for personal services, unless the payroll, estimate, voucher, or account for such salary or compensation containing the name of the person to be paid shall bear the certification of the head of the department wherein such person works that the person or persons named therein are employees of the county, municipality, public corporation, board or commission and are legally entitled to receive the sums stated therein.

Section 18. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws general, local or special, which conflict with this Act are repealed.

Section 21. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:18 A.M.

Act No. 429

H. 934—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To authorize the Governing body of the County, in all counties having a population of 150,000 and not more than 300,000 according to the federal decennial census of 1960 or any subsequent federal decennial census, to employ an administrative assistant, which person must have obtained the age of 75 years and served 30 consecutive years as a member of the governing body of said County, to prescribe his duties and to fix his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That the governing body of the county, in all

counties having a population of 150,000 and not more than 300,000 according to the federal decennial census of 1960 or any subsequent federal decennial census, shall, after the approval of this act, employ an administrative assistant, provided the person so employed has served 30 consecutive years as a member of the governing board of the county, and has obtained the age of 75 years.

Section 2. No member of the governing body of the county shall be eligible for the position of administrative assistant during the term for which he has been elected a member of the board.

Section 3. Such administrative assistant shall be on call at all times to assist the governing board and to consult with the governing board in matters pertaining to its duties and on county affairs.

Section 4. Compensation for such services shall be wholly paid by the county employing such administrative assistant but compensation shall not be in excess of twenty-four hundred dollars (\$2,400.00) per annum.

Section 5. Be it further enacted that all laws or parts of laws in conflict with the provisions of this act be and the same are, hereby repealed.

Section 6. This Act shall take effect immediately upon its approval by the Governor of Alabama.

Approved August 7, 1961

Time: 10:19 A.M.

Act No. 430

H. 935—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To repeal Act No. 528, H. 992, approved September 2, 1949, entitled "Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 100,000 people and not more than 140,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; and repealing all laws or parts of laws inconsistent with the provisions hereof." (Acts of Alabama 1949, page 819.)

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 528, H. 992, approved September 2, 1949, entitled "Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 100,000 people and not more than 140,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personal director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; and repealing all laws or parts of laws inconsistent with the provisions hereof." (Acts of Alabama 1949, page 819), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 10:20 A.M.

Act No. 431

H. 936—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To repeal Act No. 311, S. 411, approved July 31, 1951, as amended by Act No. 249, S. 311 approved September 30, 1959, to regulate the office of Sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last Federal census or any subsequent Federal census; to fix the compensation of the Sheriff of said counties and to provide for help and assistants and other expense necessary to the conduct of the office of sheriff; to provide for necessary quarters, books, stationery and other necessities necessary to the operation of said office; to provide that the Sheriff shall pay into the county treasury all costs, charges of the courts, fees and commissions authorized by law to be collected by the Sheriff; to provide that the Board of Revenue, or court of like jurisdiction, shall audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act; to exempt the Sheriff of such counties from court costs; to exempt the Sheriff from liability for acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of Sheriffs, and to provide for the bond for the Sheriff and to provide for the payment of Sheriff's and deputies' bonds out of the county treasury; authorizing the Sheriff to appoint an attorney to advise or represent him, and to fix the compensation of said attorney to be paid out of the general fund of the county by the Board of Revenue or like governing body; and providing when and where this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 311, S. 411, approved July 31, 1951, as amended by Act No. 249, S. 311 approved September 30, 1959, which regulates the office of Sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last Federal census or any subsequent Federal census; fixes the compensation of the Sheriff of said counties and provides for help and assistants and other expense necessary to the conduct of the office of sheriff; provides for necessary quarters, books stationery and other necessities necessary to the operation of said office; provides that the Sheriff shall pay into the county treasury all costs, charges of the courts, fees and commissions authorized by law to be collected by the Sheriff; provides that the Board of Revenue, or court of like jurisdiction, shall audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act; exempts the Sheriff of such counties from court costs; exempts the Sheriff from liability for acts of the deputies except in certain cases; requires deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of Sheriffs, and provides for the bond for the Sheriff and provides for the payment of Sheriff's and deputies bonds out of the county treasury; authorizes the Sheriff to appoint an attorney to advise or represent him, and fixes the compensation of said attorney to be paid out of the general fund of the county by the Board of Revenue or like governing body; is hereby repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:21 A.M.

Act No. 432

H. 937—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To regulate the office of Sheriff in counties of more than 150,000 population and less than 300,000 population, according to the last Federal census or any subsequent Federal census; to fix the compensation of the Sheriff of said counties and to provide for help and assistants and other expense necessary to the conduct of the office of Sheriff; to provide for necessary quarters, books, stationery and other necessities necessary to the operation of said office; to provide that the Sheriff shall pay into the county treasury all costs, charges of the courts, fees and commissions authorized by law to be collected by the Sheriff; to provide that the Board of Revenue, or court of like jurisdiction, shall audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act; to exempt the Sheriff of such counties from court costs; to exempt the Sheriff from liability for acts of the deputies except in certain cases; to require deputy sheriffs

to execute official bonds conditioned, payable and approved as the bonds of Sheriffs, and to provide for the bond for the Sheriff and to provide for the payment of Sheriff's and deputies' bonds out of the county treasury; authorizing the Sheriff to appoint an attorney to advise or represent him, and to fix the compensation of said attorney to be paid out of the general fund of the county by the Board of Revenue or like governing body; and providing when and where this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff in every county in which this Act applies shall be paid an annual salary of six thousand dollars net in lieu of all other compensation, fees, and emoluments, except as otherwise provided in this Act. The Sheriff shall be allowed such number of deputies, clerks, wardens, jailers, and other assistants as may be determined by the Sheriff with the approval of the court of county commissioners, board of revenue, or other like governing body of the county. In counties having merit or civil service systems, the selection and appointment of such deputies, clerks, wardens, jailers, or other assistants shall be made by the sheriff from the merit system roster; provided, the chief deputy sheriff shall be appointed by the sheriff independently of said roster and serve at the pleasure of the sheriff. In counties that do not have merit or civil service systems, the appointment of deputies and other assistants shall be made by the sheriff of the county as he sees fit. The compensation of such deputies, clerks, wardens, jailers, and other assistants shall be fixed by the merit system board of the county, if any, according to the scale of wages as fixed by the merit board; but in counties that do not have merit systems, their compensation shall be fixed by the governing body of the county.

In addition to the compensation for the sheriff as hereinabove fixed, in counties under this Act having a court of common pleas, or courts of like jurisdiction, the sheriff shall be allowed the further sum of four hundred sixteen dollars and sixty-six cents per month for his ex officio services and for his attendance upon the sessions of the court of common pleas, or courts of like jurisdiction in the county. The sheriff shall also be allowed the necessary expenses, not to exceed one hundred fifty dollars per month, incurred in apprehending criminals or other law violators and returning prisoners from other states, to be approved by the board of revenue or other like governing body of the county.

All payments provided for in this section shall be paid monthly out of the general fund of the county.

Section 2. That the Board of Revenue, or court of like jurisdiction in such counties under this Act, are authorized, empowered and required to provide the Sheriff with necessary

quarters, books, stationery and other necessities and conveniences necessary to the operation of said office, and are hereby authorized, empowered and required to pay for the same out of the general funds of said county treasury.

Section 3. That the Sheriffs of said counties shall pay into the county treasury of said counties, all costs, charges of the courts, fees and commissions now or that may be hereafter authorized by law to be collected by said Sheriff. The Board of Revenue, or court of like jurisdiction of said counties shall have the power and authority and it shall be their duty to audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. The Sheriff in such counties under this Act shall not be taxed with or liable for cost, fees or charges of courts when such Sheriff in his official capacity, or for acts done under color of his office, is made a party defendant to any action at law or at chancery; provided, however, that such Sheriff shall be liable for the witness fees of witnesses summoned in his behalf when such Sheriff is cast in the suit.

Section 5. Be it further enacted that in all counties under this Act the Sheriff shall enter into bond in the penal sum of \$10,000 which bond shall be recorded, held and governed in all respects by all laws of this State relating to official bonds insofar as said laws are applicable, and all Deputy Sheriffs and Wardens shall enter into bond into the penal sum of \$2,000 payable, conditioned and approved as is the bond of the Sheriff, and such bond shall be recorded, held and governed in all respects by the laws of this State relating to official bonds insofar as said laws are applicable.

Section 6. Be it further enacted that the Sheriff of such county shall not be liable for the acts of his Deputies unless he participates in such acts or the same are done in compliance with his orders or with his knowledge and consent; provided, however, that the Sheriff and the sureties on his bond shall be liable for the misappropriation of money collected by any Deputy Sheriff under color of his office or in the course of his employments.

Section 7. Be it further enacted that in the event the bond of the Sheriff or any Deputy in such county shall be executed by a guaranty, surety or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such county out of the county treasury as other obligations of such county are paid.

Section 8. That the Sheriff of such county is authorized to employ an attorney to advise or represent him in his official

capacity, and the compensation of said attorney shall be fixed at the sum of \$1,500.00 per annum and shall be paid in monthly installments by the county out of the general fund of said county.

Section 9. That all laws, or parts of laws, in conflict herewith are hereby repealed.

Section 10. This Act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:22 A.M.

Act No. 433

H. 945—Johnston (Leonard),
Johnson (Hardaway).

AN ACT

To provide for payment of salaries of deputy sheriffs from the highway and traffic funds of all counties having populations of not less than 28,000 nor more than 30,550.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 28,000 nor more than 30,550, according to the 1960 or any subsequent federal decennial census, the court of county commissioners, board of revenue or other like county governing body may provide for payment of and pay the salaries of deputy sheriffs, or any of them, whose compensation is payable by the county, from the county highway and traffic fund, it being the duty of deputy sheriffs to enforce highway and traffic laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:23 A.M.

Act No. 434

H. 947—Adams.

AN ACT

To amend Section 8 of the act approved May 24, 1957, creating a Board of Revenue and Control for Houston County (Act No. 9, S. 93, Acts of Alabama, Regular Session 1957, Vol. I, p. 33), in relation to increasing the biddable minimum for competitive bidding on county purchases and contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of the act approved May 24, 1957, creating a Board of Revenue and Control for Houston County (Act No. 9, S. 93, Acts of Alabama, Regular Session 1957, Vol. I, p. 33) is hereby amended to read as follows:

"Section 8. That no purchase or contract to purchase any road or bridge material, teams, tools, machinery, supplies or equipment shall be made, or any contract for the construction, maintenance or repair or any road let, either by the Board of Revenue and Control or the County Engineer, if the amount involved or the value thereof exceed \$100.00 except to the lowest and best bidder, and where the amount of purchase or contract to be let is in excess of \$100.00 and not greater than \$200.00 the Board of Revenue and Control shall have a notice posted on the bulletin board in front of the Courthouse of Houston County, Alabama, five (5) days prior to the meeting at which said purchase is to be made, and if the amount of purchase to be made or contract to be let be in excess of \$200.00 notice must be given that bids will be received for such purchase or contract by advertising same for a period of twenty (20) days by publication for once a week for two (2) consecutive weeks in a newspaper published in Houston County, Alabama. And, in addition to the above notice or notices, if amount be in excess of \$200.00 the Chairman of said Board of Revenue and Control shall give written notice by registered mail with return receipt requested of such contemplated purchase or purchases to at least three (3) merchants or dealers in the goods or materials to be purchased, and where notice of any contract to let, to at least three (3) contractors engaged in the type of work contemplated. Such notice or notices, together with return receipts, must be recorded in and become a part of the minutes of the Board of Revenue and Control of Houston County, Alabama. Provided, however, in case of emergency for the purchase of machinery parts, or, in the event of destruction of a bridge, culvert, drainage system, or damage thereto, rendering the same impassable, or in any other emergency, the Board of Revenue and Control may make such purchases of materials necessary for such rebuilding or repair without the requirement of advertisement as above stipulated. Any and all contracts made and entered into or purchases made by the Board of Revenue and Control, except for purchases of emergency parts and materials as herein set out, in violation of terms of this section shall be null and void, and it shall be unlawful for the Probate Judge to issue warrants in payment of same. The Probate Judge must forthwith issue all warrants in payment of all lawful contracts as herein provided.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:24 A.M.

Act No. 435

H. 950—Self.

AN ACT

To repeal the local act approved May 22, 1953 (Act No. 20, H. 82, Acts of 1953, p. 25) entitled "An Act Relating to Marion County; prohibiting the installation of coin operated parking meter devices in any city, town or other incorporated municipality located therein."

Be It Enacted by the Legislature of Alabama:

Section 1. The act approved May 22, 1953 (Act No. 20, H. 82, Acts of 1953, p. 25) entitled "An Act Relating to Marion County; prohibiting the installation of coin operated parking meter devices in any city, town or other incorporated municipality located therein" is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:25 A.M.

Act No. 436

H. 951—Trimmier, Engel, Murphy.

AN ACT

To repeal Act No. 369, H. 629, approved July 6, 1943, an act providing for deputy county treasurers in certain counties classified on a population basis (Gen. Acts of Alabama 1943, p. 339).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 369, H. 629, approved July 6, 1943, entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred twenty-five thousand, and not more than three hundred thousand inhabitants, according to the last or to any succeeding Federal census; and to provide for the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers" (Gen. Acts of Alabama 1943, p. 339), as amended by Act No. 308, H. 403, approved August 12, 1947 (Gen. Acts of Alabama 1947, p. 176), is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:26 A.M.

Act No. 437

H. 952—Trimmier, Engel, Murphy.

AN ACT

To repeal Section 42, Title 62, Code of Alabama 1940, relating to the appointment of a deputy county treasurer for Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 42, Title 62, Code of Alabama 1940, is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:27 A.M.

Act No. 438

H. 962—Harris.

AN ACT

To provide for the collection, preservation, and safekeeping of certain items of historical value in DeKalb County and for this purpose creating and providing for the organization, powers, duties, and authority of the historical commission of DeKalb County and prescribing the qualifications and term of members thereof; to name the first members of the commission and provide for the appointment of their successors; to provide that certain expenses relative to effectuating this act shall be borne by DeKalb County; and to direct the county governing body to perform certain duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the historical commission of DeKalb County.

Section 2. Such commission shall collect, preserve, and provide for the safekeeping of records, books, documents, writings, and items or articles of any kind which are, or which may in the future be, of historical interest or value to the county, its citizens, and other persons interested in historical, genealogical or scientific research. The historical commission may accept gifts, bequests, and donations or loans of items and articles rela-

tive to, indicative of, or significant in the history of DeKalb County or the State of Alabama. It may also accept gifts, donations, or bequests of money or other items of value which may be used for acquiring books, writings, and other items of historical value or significance to the county or the state. This commission shall prescribe the manner of housing and preserving the records and other items given to it or entrusted to its care; and may prescribe and enforce rules and regulations governing the uses which may be made of such items. The historical commission is specifically authorized, upon the approval of the county commission or other governing body of DeKalb County, to accept for preservation and safekeeping any non-current official records which may legally be destroyed or removed from the office in which they were originally filed, and the original copies of any records of DeKalb County which have been micro-filmed and their destruction or other disposition authorized by the county records commission. Subject to the approval of and under rules and regulations prescribed by the county records commission, the historical commission may also accept for safekeeping any county records which the county records commission has determined to be of historical value and ordered permanently preserved. Whenever the historical commission has been entrusted with any official records, documents, or other papers of DeKalb County, not in current use in a county office, the historical commission shall in all of its dealings with such official records, documents, and papers be deemed officers or agents of the county and shall be subject to the same duties relative to such records, documents, and other papers and the furnishing of copies thereof as the officer to whose custody such official records, documents, or other papers were originally assigned, and shall be entitled to charge and receive the same fees for certified copies thereof.

The historical commission may also collect, compile, publish, sell, or otherwise distribute pamphlets, essays, treatises and other articles relative to the history of and historical events in DeKalb County or elsewhere in Alabama.

Section 3. The historical commission of DeKalb County shall consist of eight members with staggered terms of office. There shall be two members of the commission from each of the four commissioner's districts into which DeKalb County is now divided for the purposes of county government. Positions on the historical commission shall be numbered from one through eight. Places 1 and 2 shall be filled from commissioner's district no. 1. Places 3 and 4 shall be filled from commissioner's district no. 2. Places 5 and 6 shall be filled from commissioner's district no. 3. Places 7 and 8 shall be filled from

commissioner's district no. 4. The following named persons are hereby appointed as the first members of the historical commission for terms expiring as hereinafter provided: Place no. 1, Miss Mabel Brindley, for a term expiring on September 30, 1963; place no. 2, Miss Gussie Killian, for a term expiring September 30, 1967; place no. 3, Mr. Archie Martin, for a term expiring September 30, 1965; place no. 4, Mr. A. M. Bailey, for a term expiring September 30, 1965; place no. 5, Mr. J. A. Downer, for a term expiring September 30, 1963; place no. 6, Mr. Duncan Baxter, for a term expiring September 30, 1967; place no. 7, Mrs. Paul Davenport, for a term expiring September 30, 1965; place no. 8, Mr. James M. Scott, for a term expiring September 30, 1965.

Successors to each of the first members of the historical commission shall be appointed by the DeKalb County commission or other governing body of the county for terms of six years beginning upon the date on which the term of such appointee's predecessor in such position expires. Should a vacancy in the historical commission occur for any cause other than the expiration of a member's term, the commission may fill the vacant position for the unexpired term. Members of the commission shall receive no compensation for serving on such commission, but may be reimbursed for reasonable expenses incurred in the performance of the duties hereby imposed upon them.

Within 45 days after this Act becomes effective the president of the DeKalb County commission, or other governing body of the county, shall call and preside over an organizational meeting of the historical commission hereby established. At this meeting a chairman, a vice chairman, and such other officers as the historical commission deems necessary shall be elected. The chairman and vice chairman, so elected, shall serve for terms expiring on September 30, 1963, and thereafter their successors shall be elected for two-year terms. Such other officers as the historical commission decides to elect shall serve for the term prescribed for them by that commission.

Section 4. The historical commission, as soon as practicable after its organization, shall adopt a set of bylaws to govern its operations and activities and may from time to time amend and change such bylaws, but neither the bylaws nor amendments shall become effective until approved by the county commission or other governing body of DeKalb County.

Section 5. The county commission or other governing body of DeKalb County is directed and authorized to provide the

necessary quarters, space, or buildings which, in the opinion of the historical commission, will be a safe repository for items entrusted to the historical commission; such equipment, supplies, assistants, and other items necessary to effectuate the purposes of this Act. Such governing body is also authorized to reimburse members of the historical commission for their necessary expenses incurred in the performance of their duties as members of the historical commission.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:29 A.M.

Act No. 439

H. 966—Turner.

AN ACT

To alter and re-arrange the boundaries and corporate limits of the City of Athens, Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Athens, Limestone County, are hereby altered and re-arranged so that the territory lying within the boundaries herein described shall be embraced within the corporate limits of such city, to-wit:

Beginning at the N.W. Corner of Section 5, Township 3, South, Range 4 West, Limestone County, Alabama and running thence Easterly along the north boundary of said Section 5 to a point on the present City limits boundary of Athens, Alabama, said point, also being on the East boundary of the N.W. $\frac{1}{4}$ of said Section 5; thence run southerly along the present City limits boundary of Athens, Alabama and the East boundary of the N. W. $\frac{1}{4}$ of said Section 5 to S. E. Corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said Section 5; thence westerly along the present City limits boundary of Athens, Alabama to the S. W. Corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said Section 5; thence southerly along the present City limits boundary of

Athens, Alabama and along the East boundary of the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said Section 5 to the Southeast Corner of the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said Section 5; thence westerly along the present City limits boundary a distance of 1829 feet more or less; thence southerly along the present City limits boundary of Athens, Alabama to a point on the south margin of Fifth Avenue; thence westerly along the south margin of Fifth Avenue and the present City limits boundary of Athens, Alabama a distance of 2156 feet, more or less, to the west boundary of the N. E. $\frac{1}{4}$ of Section 6, T 3 S, R 4 W; thence northerly along the west boundary of the N. E. $\frac{1}{4}$ of said Section 6 to the North boundary line of said Section 6; thence Easterly along the north boundary of said Section 6, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:30 A.M.

Act No. 440

H. 967—Hardy, Hain, Gilmer.

AN ACT

To provide compensation for commissioners of The Selma Housing Authority for performance of certain duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The commissioners of The Selma Housing Authority have duties in and about the supervision, management, operation and maintenance of the Nathan Bedford Forrest Homes in the vicinity of Craig Air Force Base in Dallas County, Alabama, beyond the usual duties of housing authority commissioners; and the commissioners are entitled to be paid reasonable compensation for the performance of such duties. The Chairman of The Selma Housing Authority shall be entitled to be paid a sum to be fixed by The Selma Housing Authority Board not to exceed \$50.00 per month; and each of said commissioners of The Selma Housing Authority shall be entitled to be paid a sum to be fixed by said Board not to exceed \$25.00 per month, which said compensation shall be payable from rents and income derived from the Nathan Bedford Forrest Homes.

Section 2. The provisions of Code of Alabama 1940, Title 25, Section 8, which conflict with this Act are hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 7, 1961

Time: 10:32 A.M.

Act No. 441

H. 981—Engel, Murphy, Trimmier.

AN ACT

To authorize the closing and occupancy by The First National Bank of Mobile, its successors or assigns, in the City of Mobile, Alabama, of the alleyways separating the Old Customs House Building, at the southwest corner of Royal Street and St. Francis Street, on the south from The First National Bank of Mobile Building, and on the west from The First National Bank of Mobile Annex Building, and to vacate a Declaration of Use For Alleyway Purposes executed by the City of Mobile to the Public June 28, 1939, and to vacate and surrender all rights, easements, restrictions or covenants inconsistent with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1: That The First National Bank of Mobile, a national banking association, its successors and assigns, as the owner of all the property abutting on both sides of the alleyways separating the Old Customs House Building, at the southwest corner of Royal Street and St. Francis Street in Mobile, Alabama, on the south from The First National Bank of Mobile Building, and on the west from The First National Bank of Mobile Annex Building, said alleyways extending from Royal Street westerly to said First National Bank of Mobile Annex Building and northwardly to St. Francis Street, and as owner of said alleyways, is hereby authorized to close and occupy said alleyways by building, constructing, erecting or extending any structure, building, shelter, or obstruction on, upon or over said alleyways, or any part or portion of either.

Section 2: Be it further enacted that said alleyways may be so used and occupied as aforesaid by The First National Bank of Mobile, its successors and assigns, in perpetuity, and that the Declaration of Use For Alleyway Purposes executed by the City of Mobile June 28, 1939, and recorded in Deed Book 285 N.S., page 261, in the office of the Judge of Probate Court of Mobile County, Alabama, and all rights, easements, restrictions or covenants inconsistent with this Act, arising by reason of the aforesaid Declaration of Use For Alleyway Purposes or otherwise, are hereby vacated and surrendered.

Section 3: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:33 A.M.

Act No. 442

H. 984—Ashworth.

AN ACT

To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Centreville, Bibb County, are hereby altered, re-arranged, and extended so as to include within the corporate limits of the town all that territory embraced by the boundaries described herein, to-wit:

Begin at a pipe marking the Quartersection Post on the line of Section 23 and 26, Township 23 North, Range 9 East. This pipe is on the line of the Belcher and Ellison lands and is 102.3 feet East of the Northeast corner of Belcher Street in the Olon Heights subdivision; thence run North along the present City Limit line which is parallel to the West boundary of Section 23 in Township 23 North, Range 9 East, for a distance of 3,077 feet. to a concrete post which is 331 feet West of Station 60+13 of Alabama Highway Number 5, also the Northwest corner of the present City Limits and the point of beginning; thence West 169 feet to a point; thence Northerly and 500 feet West of the centerline of Alabama Highway Number 5 which is along a 2 degree and 45 minute curve to its end at P.T. Station 75+29.8 which is a distance of 1516.8 feet along centerline of Alabama Highway Number 5; thence North 28 degrees and 22 minutes East and parallel to Alabama Highway Number 5 for a distance of 857.1 feet to a point which is 500 feet West of P.C. Station 83+86.9 of Alabama Highway Number 5; thence continue Northeasterly 500 feet West of the centerline of Alabama Highway Number 5 to a point which is 500 feet West of centerline Station 90+66.3 of Alabama Highway Number 5; thence South 89 degrees and 23 minutes East and crossing Alabama Highway Number 5 at centerline Station 90+66.3 for a distance of 1700 feet, more or less, to the center of the Cahaba River; thence Southerly along the centerline of said Cahaba River for a distance of 2900 feet, more or less, to the present City Limit boundary line; thence West along the present City Limit boundary line for a distance of 2800 feet, more or less, to the beginning.

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:34 A.M.

Act No. 443

H. 985—Long (Perry), Barnett.

AN ACT

To regulate further teacher tenure and status in the public schools of Perry County, granting the county board of education plenary and exclusive power relative to teacher tenure and status in the County, and repealing as to Perry County inconsistent provisions of Code 1940, Title 52, Chapter 13, as amended or supplemented.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Perry County is vested with plenary and exclusive power to employ, dismiss, discharge, remove or transfer principals, supervisors and teachers, and to regulate their tenure compensation and status as it considers necessary or desirable to promote the best interest of the schools under its jurisdiction, the provisions of any general law on the subject to the contrary notwithstanding.

Section 2. The provisions of Chapter 13, Title 52, Code of Alabama 1940, as amended or supplemented, which are in conflict or inconsistent with this Act are, as to Perry County, hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:35 A.M.

Act No. 444

H. 986—Harris.

AN ACT

Relating to DeKalb County; providing further for the DeKalb County Commission, providing for the qualifications, elections, terms, powers, duties, authority and compensation of its members; providing for additional duties of the County Commission relating to the requisitioning and purchasing of books, stationery, supplies, printing and printed matter, blanks, forms, machinery, equipment, tools, materials and contrac-

tural services needed by such county officials, offices and departments; and fixing the time of meetings of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. One member of the County Commission shall be elected from each of the four existing commissioners districts. A candidate for member of the DeKalb County Commission must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. The members of the DeKalb County Commission shall be elected at the general election to be held in 1962. The members from the 1st and 4th districts shall hold office for terms of six years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified. Their successors shall be elected at the general election in 1968, and every four years thereafter.

The members from the 2nd and 3rd districts shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified. Their successors shall be elected at the general election in 1966 and every four years thereafter.

The President of the DeKalb County Commission shall be elected at the general election to be held in 1962, and every four years thereafter. The President shall hold office from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

Section 2. Each member elected under the provisions of this Act shall receive as full compensation for the services rendered in his capacity as member a salary of one thousand eight hundred dollars (\$1800) per annum, payable in equal monthly installments. Such compensation shall be in lieu of per diem and other allowances provided by general, special or local laws. The President of the commission shall receive as full compensation for the services rendered in his capacity as President a salary of five thousand four hundred dollars (\$5400) per annum, payable in equal monthly installments. Such compensation shall be in lieu of per diem and other allowances provided by general, special or local laws. All members of the commission and the President shall be entitled to be reimbursed out of the county treasury for actual personal expenses incurred by them in the performance of their duties as members of the county governing body.

Section 3. The DeKalb County Commission shall, subject

to the approval of the State Highway Department, determine which new county roads and bridges are to be built within the county. The county commission shall cooperate and render all necessary and proper assistance to the State Highway Department in its operation in the county and shall serve as the official advisors of DeKalb County to the State Highway Department in its operation in the county.

Section 4. It shall be the duty of the county commission to promote all of the functions of county government including county roads and bridges, county health department, county hospital program, civil defense, public libraries, public schools, care of indigent patients, county historical commission, the industrial and agricultural development of the county and other functions of county government.

Section 5. The President of the Commission shall act as the Purchasing Agent for said county and all purchases for and on behalf of said county by the said commission or by any division or employee of said commission and all purchases by or for any office, officer or employee of the county, except those under the jurisdiction of and acting as for the Board of Education and paid out of the school funds, shall be made through the said President, and he is directed and required to use all proper care in purchasing to the best interest of the county, and shall perform such services only under the direction and control of the entire commission and in the manner directed by them; and in addition thereto he shall perform all duties and have all rights, powers, jurisdiction, authority and privileges that may be granted to and required of the President by the said Commission, and all duties, powers, jurisdiction, authority and privileges that are now or may hereafter be granted to and required of the presiding officer of the courts of county commissioners, Boards of Revenue, or other governing bodies of the counties by the General Laws of the State, except as otherwise provided in this Act. The President shall give bond in the amount of \$5,000.00 payable to the county, conditioned upon the faithful performance of his duties with lawful sureties, to be approved by the Judge of Probate of such county.

The President shall require requisition from any officer, division or employee of the county for supplies, equipment and material necessary and proper in the functioning of the county business, and attend the purchase of the same, but no purchase shall be made in excess of \$100.00 unless and until the same has been authorized by the commission in session assembled and such authorization entered in the minutes. At each meeting of the county commission he shall have available for the

commission the details of all purchases, from whom purchased, the price paid therefor, the quantity purchased, for what office, officer, or division the same was purchased, and the object for which such purchase was made and the requisition therefor, to the end that the commission as a whole and individually shall at all times be fully advised as to the expenditures made since the last preceding meeting.

Section 6. Insofar as practicable all purchases for the county shall be based on competitive bids, or made through the division of purchases and stores of the State Department of Finance. However, written, sealed bids need not always be procured, and the President may, unless otherwise directed by the court of county commissioners, negotiate purchases for the county by soliciting competitive bids by telephone, telegraph, or letter. The President shall obtain information from the division of purchases and stores of the State Department of Finance concerning the price to the State of any item to be purchased costing two hundred dollars (\$200.00) or more, and if the state price is less than the lowest local bid received, and if the delivery date is reasonable, the purchase shall be negotiated through the state purchasing agent. The provisions of this Act requiring competitive bids and the procuring of price quotations from the division of purchases and stores in the State Department of Finance shall not apply to purchases of perishable commodities, items, and services of a technical or specialized nature, utility services, and commodities or services for which there is no competitive situation; and may be waived in cases of emergency involving actual danger to life or property. All materials, supplies, and equipment purchased by the President shall be inspected upon delivery by the requisitioning officer or department, and no item shall be paid for without having been inspected and approved by the officer, office or department requesting the purchase.

Section 7. The DeKalb County Commission shall hold regular meetings on the second and fourth Monday in every month and may hold special meetings at any time on the call of the president of the commission or of three members of the commission entered in writing on the minutes of the commission.

Section 8. All provisions of other laws, whether general, local or special, which are in conflict with the provisions of this Act are hereby repealed, otherwise the provisions of this Act are cumulative.

Section 9. The provisions of this Act shall take effect at the expiration of the terms of the incumbent members of the

DeKalb County Commission as provided in the constitution as amended.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 7, 1961

Time: 10:36 A.M.

Act No. 445

H. 987—Harris.

AN ACT

To amend Sections #2 and #7, of Act Number 636, Regular Session of the Legislature of Alabama, approved September 25, 1957.

To create an inferior Court, to be known as the DeKalb County Inferior Court of DeKalb County, Alabama with the power of justice of the Peace; to prescribe the jurisdiction, authority, powers and duties of said Court and Officers thereof; To provide rules and procedures of said Court; To provide that the DeKalb County Commission shall provide quarters and supplies for said Court; and to provide for the execution of process and operation of said Court:

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act number 636, approved September 25, 1957, is hereby amended to read as follows:

The DeKalb County Inferior Court shall have and exercise all authority, powers and jurisdiction as is now vested in or which may hereafter be conferred on Courts of Justices of the Peace by general laws. The Judge of said Court shall have and exercise all the powers and authority and perform all the duties now or which may hereafter be required by law of justices of the peace and he shall have the same rights and privileges and same disabilities and penalties as now apply by law to justices of the peace, and in addition thereto said court shall have concurrent jurisdiction with DeKalb County Superior Court, DeKalb County, Alabama, and Circuit Court of criminal cases in trespass after warning, trespass, assault and battery, assault and battery when weapon used, and civil jurisdiction in all cases concurrent with DeKalb County Superior Court, and Circuit Courts up to the sum of Five Hundred Dollars (\$500.00).

Section 2. That Section 7 of Act Number 636, approved September 25, 1957, is hereby amended to read as follows:

That Judge of the DeKalb County Inferior Court shall receive as compensation for his services the same fees and costs allowed justices of the peace which shall be taxed and collected

in each case in the same manner as in justice of the peace courts, except all criminal cases. the Judge shall be entitled to collect a fee of Five Dollars (\$5.00) on each case docketed in said Court as cost.

Section 3. That if for any reason any section, clause or provision of this Act shall be declared invalid or unconstitutional, it shall not be deemed or held to affect any other section, clause or provision, but same shall remain in full force and effect.

Section 4. That this Act shall become effective upon its passage by the Legislature and approval by the Governor or its otherwise becoming a law.

Approved August 7, 1961
Time: 10:37 A.M.

Act No. 446

H. 992—Engel, Murphy, Trimmier.

AN ACT

To amend further Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298): to provide for the qualifications, salary and duties of the Personnel Director, to provide for the retirement of the Personnel Director and to prescribe the terms and conditions of such retirement.

Be It Enacted by the Legislature of Alabama:

Section 1. Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298), as amended, is amended further to read as follows:

“Section VIII. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of director. His salary shall be fixed by the Personnel Board, provided said salary not exceed Ten Thousand Dollars per year. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to: (1) Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote. (2) Appoint from the Employment Register such employees of the Department, and such experts and special assistants as may be neces-

sary to carry out effectively the provisions of this Act; (3) Prepare and recommend Rule and regulations for the administration of this Act. (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan for the Classified Service. (5) Submit to the Board a Pay Plan for all positions in the Classified Service. (6) Conduct Tests, formulate Employment Registers, and certify persons qualified for appointment; devise and administer employee Service Ratings. (7) Examine all pay rolls or other compensation for personal Services within the Classified Service with authority to disapprove, from time to time, any item or items thereof, and no such items so disapproved in writing by him shall be paid or authorized for payment. (8) Establish and maintain a Roster of all of the officers and employees in the Classified Service. (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the Classified Service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the County or any City therein. (10) Make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the Board. (11) Make an annual report to the Board. (12) Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service or publication having as its purpose the inter-change or dissemination of information relating to the improvement of personnel administration. When any person serving as Director has attained age sixty, and has served for twenty years or more as such Director, or has served for twenty years or more as such Director and as an officer or employee of any governmental body or agency served by the Personnel Department provided for in this Act, the Board may, by majority vote, provide for his retirement from service on a retirement allowance equal to but not exceeding fifty percent of the amount of his average monthly salary paid him over the five years immediately preceding his retirement. Such retirement allowance shall be payable monthly in the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be sixty years; provided, that any person serving as Director who has attained age fifty, who is otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties.

Section 2. This Act shall become effective immediately up-

on its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:38 A.M.

Act No. 447

H. 993—McCorquodale, Dunn.

AN ACT

To amend Section 3 of Act No. 34, H. 225, Special Session 1932, approved September 24, 1932 (Local Acts, Extra Session 1932, p. 13), an act to provide for the election of a county superintendent of education by the qualified electors of Clarke County, in relation to the qualifications of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 34, H. 225, Special Session 1932, approved September 24, 1932 (Local Acts, Extra Session 1932, p. 13), an act to provide for the election of a county superintendent of education by the qualified electors of Clarke County, is hereby amended to read as follows:

“Section 3. The superintendent of education of Clarke County shall be a qualified elector of the county, and he shall also have and possess the same academic and professional qualifications required by general laws for the state superintendent of education.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:39 A.M.

Act No. 448

H. 1002—Roberts.

AN ACT

For the relief of John Morris, Huntsville, of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate John Morris for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioner, board of revenue, or other like governing body of Madison County is hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated the

sum of one hundred dollars (\$100.00) for the relief of John Morris, Huntsville, of Madison County, to compensate him for damages sustained as a result of a motor vehicle accident involving a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said John Morris has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:44 A.M.

Act No. 449

H. 1003—Roberts.

AN ACT

To amend Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1-4 of Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573), are hereby amended to read as follows:

"Section 1. The board of registrars of Madison County is authorized to employ a clerk, subject to the approval by the board of county commissioners of Madison County, Alabama. The duties of the clerk shall be to submit to the board revised lists of qualified electors of the county by placing the names of all persons in their proper ward, precinct, or district, and eliminating therefrom the names of all deceased, insane, non-resident, and fictitious persons, and those convicted of disqualifying crimes.

"Section 2. The qualifications of the clerk provided for here shall be: Graduation from high school, the ability to type, clerical experience including experience in the keeping of records, or graduation from college.

"Section 3. The board of county commissioners shall be authorized to furnish to the board of registrars all the supplies

and equipment, including filing cabinets, for card files, stationery and stamps, necessary for the use of the clerk in the performance of his duties.

"Section 4. The clerk provided for herein shall be paid a salary out of the county treasury of not less than two hundred dollars per month, the exact amount to be fixed by the board of county commissioners."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:45 A.M.

Act No. 450

H. 994—Bailey, Goldthwaite,
Goodwyn, Pierce.

AN ACT

To repeal Act No. 396, S. 550, approved August 16, 1949, entitled "To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken." (Acts of Alabama 1949, page 567.)

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 376, S. 550, approved August 16, 1949, entitled "To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken." (Acts of Alabama 1949, page 567), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 7, 1961
Time: 10:40 A.M.

Act No. 451

H. 995—Bailey, Goldthwaite,
Goodwyn, Pierce.

AN ACT

To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 150,000, and not exceeding 300,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken.

Be It Enacted by the Legislature of Alabama:

Section 1. That this act shall apply to and have application in all counties in this State having a population exceeding 150,000, and not exceeding 300,000 inhabitants, according to the latest Federal Decennial Census, or which shall hereafter have such population according to any Federal Decennial Census that may hereafter be taken, and to all incorporated municipalities now or hereafter existing in such counties.

Section 2. That in all such counties and municipalities the proportion of contribution to be made to any budget of a county health department as between such counties and incorporated municipalities therein shall be determined by the following formula, to-wit: Add to the total population within the boundaries of any such county the total population within the boundaries of all incorporated municipalities within such county, to arrive at a common denominator, and such county shall contribute the proportion of such budget that the total population within its boundaries bears to said common denominator, and each incorporated municipality in such county shall contribute the proportion of said budget that the total population within its boundaries bears to said common denominator. The population to be used in said formula shall be the population of such counties and municipalities according to the most recent Federal Decennial Census. The following is an example of the application of said formula: Assume that the County of "A" has a population of 140,000, the City of "B" a population of 100,000, and the City of "C" a population of 10,000. The common denominator, therefore, would be 250,000, and the proportionate contribution to the county health department by each governmental unit would be as follows: County of "A", fourteen-twenty-fifths ($14/25$), City of "B" ten-twenty-fifths ($10/25$), and City of "C", one-twenty-fifth ($1/25$). If the annual budget of the county health department to be apportioned between the County of "A" and the Cities of "B" and "C" is \$100,000, the County of "A" would contribute fourteen-twenty-fifths ($14/25$) of \$100,000, or \$56,000, the City of "B" would

contribute ten-twenty-fifths (10/25) of \$100,000, or \$40,000, and the City of "C" would contribute one-twenty-fifth (1/25) of \$100,000, or \$4,000.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective August 1, 1961.

Approved August 7, 1961

Time: 10:41 A.M.

Act No. 452

H. 1004—Roberts.

AN ACT

For the relief of J. Wheeler Vann, Rt. 4, Huntsville, of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate J. Wheeler Vann for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County is hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated the sum of one hundred seventy-seven dollars and sixty cents (\$177.60) for the relief of J. Wheeler Vann, Rt. 4, Huntsville, of Madison County to compensate him for damages sustained as a result of a motor vehicle accident involving a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said J. Wheeler Vann has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 10:46 A.M.

Act No. 453

H. 1005—Roberts.

AN ACT

For the relief of Robert Mathias, 2000 Stamford Drive, Huntsville, of Madison County; authorizing the board of county commissioners,

board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Robert Mathias for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County is hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated the sum of eighty-four dollars and thirty-five cents (\$84.35) for the relief of Robert Mathias, 2000 Stamford Drive, Huntsville, of Madison County, to compensate him for damages sustained as a result of a motor vehicle accident involving a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said Robert Mathias has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:47 A.M.

Act No. 454

H. 996—Daniel, Grant.

AN ACT

To alter or rearrange the boundary lines of the Town of Faunsdale, Marengo County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marengo County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Faunsdale, Marengo County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Faunsdale and in addition thereto the following described territory, to wit:

$S\frac{1}{2}$ of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$, Section 8; $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of $NE\frac{1}{4}$, Section 8; $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Section 8; $E\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 8; $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 8; $N\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$, Section 8; the $N\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$, Section 9, and the $S\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$,

Section 9, all in Township 17 North, Range 5 East, Marengo County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:43 A.M.

Act No. 455

H. 991—Engel, Trimmier, Murphy.

AN ACT

To amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act: To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act, To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama, and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama, is amended to read as follows:

Section 4. The Administrative Assistant to the Circuit Solicitor shall receive as compensation for such services the sum of not less than forty-two hundred dollars annually and not more than six thousand dollars annually, the amount to be fixed by the Circuit Solicitor and the Legal Stenographer to the Circuit Solicitor shall receive as compensation for such services the sum of thirty-six hundred dollars annually, payable in equal monthly installments out of the General Fund of Mobile County, Alabama.

Section 2. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 10:42 A.M.

Act No. 456

H. 102—Branyon.

AN ACT

To regulate further the compensation of county superintendents of education in all counties having a population of not less than 15,500 nor more than 16,300 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education in all counties of this State having a population of not less than 15,500 nor more than 16,300 inhabitants, according to the last or any subsequent federal decennial census, shall be fixed by the county board of education, in such sum as the board may prescribe, and shall be payable out of the funds available for such purpose as provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 8:59 A.M.

Act No. 457

H. 103—Branyon.

AN ACT

To repeal Act No. 18, H. 114, approved May 26, 1955, entitled "An Act to regulate further the compensation of county superintendents of education in all counties having a population of not less than 19,200 nor more than 20,000 inhabitants, according to the last or any subsequent federal decennial census," (Acts of Alabama 1955, vol. I, p. 231).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 18, H. 114, approved May 26, 1955, entitled "An Act to regulate further the compensation of county superintendents of education in all counties having a population of not less than 19,200 nor more than 20,000 inhabitants, according to the last or any subsequent federal decennial census," (Acts of Alabama 1955, vol. I, p. 231) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:00 A.M.

Act No. 458

H. 106—Branyon.

AN ACT

To repeal Act No. 154, H. 496, approved June 30, 1953, entitled, "An Act to fix the compensation of the superintendent of education in any county having a population of not less than 16,100 nor more than 16,450, according to the 1950 or any subsequent federal decennial census," (Acts of Alabama 1953, vol. I, p. 197).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 154, H. 496, approved June 30, 1953, entitled, "An Act to fix the compensation of the superintendent of education in any county having a population of not less than 16,100 nor more than 16,450, according to the 1950 or any subsequent federal decennial census," (Acts of Alabama 1953, vol. I, p. 197) is hereby expressly repealed.

Section 2. This Act shall take effect immediately.

Approved August 7, 1961

Time: 9:01 A.M.

Act No. 459

H. 107—Branyon.

AN ACT

To repeal Act No. 32, H. 293, approved June 17, 1957, entitled, "An Act to fix the compensation of the county superintendent of education in all counties having a population of not more than 16,475 nor less than 16,075, according to the last or any subsequent federal decennial census," (Acts of Alabama 1957, vol. I, p. 80).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 32, H. 293, approved June 17, 1957, entitled, "An Act to fix the compensation of the county superintendent of education in all counties having a population of not more than 16,475 nor less than 16,075, according to the last or any subsequent federal decennial census," (Acts of Alabama 1957, vol. I, p. 80) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 7, 1961

Time: 9:02 A.M.

Act No. 460

H. 685—Edwards, Rast, Locke, Hawkins,
Sessions, Perry, Morrow.

AN ACT

To provide for and fix the salaries of members of the Commission or board of Commissioners (including the president of such commission

or board) of each city in the State of Alabama having a population of not less than 32,500 nor more than 33,500 inhabitants according to the last Federal Census, or which shall hereafter have such population according to any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; To provide further, that in such municipalities which own and operate light and power systems, and municipal water systems, one or either of them, that the president of such Commission shall be and act and be constituted as the supervisor thereof and shall be responsible for the planning, supervising and financing thereof; to fix his duties and to provide and fix the salaries, to fix the time and regulate the mode of payment thereof, to be paid the president of such Commission for his services as such supervisor out of the funds of such municipal light and power system, and municipal water system, one or either of them; To provide that this Act shall become effective on the first day of July, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. The president of the Commission or board of Commissioners of any city having a population of not less than 32,500 nor more than 33,500 inhabitants according to the last federal census or which shall hereafter have such population according to any succeeding federal census shall receive an annual salary of \$6,000.00, payable in equal semi monthly installments at the 1st and 15th of each month, and each member of such Commission or board other than the president shall receive an annual salary of \$3,000.00, payable in equal semi monthly installments at the 1st and 15th of each month, said installments to be paid at the same rate for any portion of the month during which the president or other member of such commission or board shall hold office at the rate above provided.

Section 2. The president of the commission or of the board of commissioners, of any city having a population of not less than 32,500 nor more than 33,500 inhabitants according to the last Federal Census, or which shall hereafter have such population according to any succeeding federal census and such city having, owning and operating a municipal light and power system, and municipal water system, one or either of them, that the president of such Commission, or of such board of Commissioners, shall, in addition to his official duties defined by law be and act and is hereby constituted as the supervisor of such systems, one or both. The president as such supervisor of such system or systems shall be the executive thereof and shall be responsible for the planning, supervising and financing of such system or systems. He shall supervise all monthly financial operating costs, receipts, and disbursements. He shall see that the system or systems are kept in proper repair and operation. He shall handle all such data and information relative to such system or systems available for the Commission or board of Commissioners of such city and at such times as it shall re-

quire but not less frequently than once every three months. For his service as supervisor of such system or systems the president shall be paid in addition to the salary provided for in Section One hereof an annual salary of \$1,200.00 to be paid to him by the municipal light and power system and an annual salary of \$1,200.00 to be paid to him by the municipal water system, payable out of the available funds of such respective system in equal semi monthly installments at the 1st and 15th of each month, said installments to be paid at the same rate for any portion of the month during which the president shall serve as supervisor of such system, or systems, at the rate above provided.

Section 3. That if any section, clause or provision of this Act shall be held to be unconstitutional and void or ineffective, it shall in no wise effect any other section, clause or provision not unconstitutional and void or ineffective in itself.

Section 4. All laws or parts of laws which may be in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 5. This bill shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 9:03 A.M.

Act No. 461

H. J. R. 74—Oakley, McCorquodale,
Dunn, Nettles.

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Minnie Jones Griffin Tucker passed away on Monday, July 31, 1961; and

WHEREAS Mrs. Tucker was a sister of our distinguished colleague, Representative Ralph Jones of Monroe County, and was also the aunt of Justice Pelham Merrill of the Supreme Court of Alabama; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that we do hereby express our profound sympathy to Representative Jones and Judge Merrill and all the other members of the family in the passing of Mrs. Tucker.

Approved August 7, 1961
Time: 9:04 A.M.

Act No. 462

H. 779—Nettles, Oakley.

AN ACT

To alter or rearrange the boundary lines of the Town of Pine Hill, Alabama, Wilcox County, Alabama so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Wilcox County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Pine Hill, Wilcox County, Alabama be, and the same are hereby altered or rearranged so as to include all the territory heretofore encompassed by the corporate limits of the Town of Pine Hill, Alabama and in addition thereto the following described territory, to-wit:

Beginning at the S. E. Corner of Sec. 21, T-12N, R-5-E, thence North to the N. E. Corner of the $S\frac{1}{2}$ of the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Sec. 21, thence west to the N. W. Corner of the $S\frac{1}{2}$ of the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Sec. 21, thence South to the S. W. Corner of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Sec. 21, thence west to the N. W. Corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Sec. 21, thence South to the N. W. Corner of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Sec. 21, thence West to the West line of said Sec. 21, thence South to the S. W. Corner of Sec. 21, thence East to the N. W. Corner of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$, Sec. 28; thence South to the S. W. Corner of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$, of said Sec. 28, thence East to the S. E. Corner of the West $\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Sec. 28, thence North to the North Boundary of said Sec. 28, thence east to the point of beginning, and also,

Beginning at the S. E. Corner of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 20, thence North to the N. E. Corner of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 20, thence West to the Center of Sec. 20, thence South to the Center of Moccasin Creek, thence down said creek with its meanders to the East line of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 29, thence North to the N. W. Corner of the $SE\frac{1}{4}$ of $SE\frac{1}{4}$, Sec. 20, thence East to the point of beginning, and also,

Beginning at a point in the center of Moccasin Creek in the N. E. Part of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 29, said point being in a northerly direction and 660.0 feet from and perpendicular to the north R. O. W. margin of Ala. State Highway No. 5, thence in a westerly direction and 660.0 feet perpendicular to the north margin of said highway R. O. W. to a point on the east line of the $W\frac{1}{2}$ of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 30, thence south to a point which is 210.0 ft. from and perpendicular to said highway margin, thence in a westerly direction & 210.0 ft. from and perpendicular to the north margin

of said R. O. W. to a point on the west line of Sec. 30, thence south along said section line (being the west boundary of T. 12 N., R 5 E.) to a point 100.0 ft. from and perpendicular to the south R. O. W. margin of said highway No. 5, thence in an easterly direction & at a distance of 100.0 ft. from and perpendicular to said highway margin to the center of Moccasin Creek, thence up said creek with its meanders to the point of beginning.

Also a strip of land 100.0 ft. in width on the N. E. margin of the R. O. W. of Ala. Highway No. 10, extending in a N. W. direction from a point on the north line of the SE $\frac{1}{4}$ of Sec. 20, which point is 100.0 ft. perpendicular to said highway, to a point which is on the west boundary of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, T. 12 N., R 5 E.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 9:18 A.M.

Act No. 463

H. 869—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To provide for and prescribe the form of government for all cities having a population of not less than 100,000 nor more than 200,000 inhabitants according to the last federal census or any subsequent regular decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. All cities of the State of Alabama having a population of not less than 100,000 nor more than 200,000, according to the last federal census or any subsequent regular decennial federal census, shall become organized under the commission form of government according to the terms of this Act. The governing body of any such city shall be known as the Board of Commissioners and shall consist of three members designated as follows: President of the Board of Commissioners, Associate Commissioner No. One and Associate Commissioner No. Two. Each Associate Commissioner shall be designated by the number of the office to which he is elected. In all primary and general elections held for the purpose of nominating or electing members of the Board of Commissioners of such city, each of such positions to be filled shall be designated as provided in this Act and shall appear on the ballots of such elections designated accordingly. Each candidate for nomination or election as a member of the Board of Commissioners of any such city shall designate

in the declaration or announcement of his candidacy the position to which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. The term of office of each member of the Board shall be four (4) years and until his successor shall have been elected and shall have qualified as hereinafter provided. The President of the Board of Commissioners shall be the Mayor or Chief Executive of such city. Any city coming within the purview of this Act which at present has a Board of Commissioners shall continue with the same Board of Commissioners until their successors in office are elected and qualified as hereinafter provided. The general elections for the President and Associate Commissioners of the Board of Commissioners shall be held on the third Monday in May, 1963, and each succeeding four years thereafter. The President and the two Associate Commissioners of the Board of Commissioners shall be known collectively as the "Board of Commissioners of (insert name of city)" and have the powers and duties hereinafter provided.

Section 2. Salary of Commissioners. The salary of the President of the Board of Commissioners shall be \$10,750.00 per annum and the salary of each Associate Commissioner shall be \$9,250.00 per annum. After September 30, 1961, the salary of the President of the Board of Commissioners shall be \$12,000.00 per annum and the salary of each Associate Commissioner shall be \$10,500.00 per annum. The salary of the President of the Board of Commissioners and the salaries of the Associate Commissioners shall be payable in equal monthly installments at the end of each calendar month out of the city treasury.

Section 3. Authority. The President of the Board of Commissioners and the Associate Commissioners of the city shall be municipal officers only, and shall have, and possess and exercise all the municipal powers, legislative, executive and judicial. Said Board of Commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the state or county, except when acting as recorder, and then only as a committing magistrate, nor shall the offices held by them be state offices, except as herein provided. Said Board of Commissioners shall have the exclusive right to regulate or permit within the corporate limits and the police jurisdiction of such city an amusement or the playing of any game on Sunday, and any law in conflict with this provision, in so far as same relates to such city is hereby repealed. All laws, ordinances and resolutions lawfully passed and in force in such city under its former organization, not inconsistent with the provisions of this Act, shall remain in force until altered or repealed, according to the provisions of this Act. The territorial limits of such city shall remain the same as under its former organization, and all

rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability either in favor of it or against it and no suit or prosecution of any kind shall be effected by such change, unless otherwise expressly provided for by the terms of this Act. All employees of said city and all officials except those whose terms of office are abolished by this Act shall continue in office until otherwise provided by said Board of Commissioners of said city.

Section 4. Selection of Employees. Each and every officer and employee of such city, except the health officer and such persons as may be employed by him to enforce quarantine, shall be selected and employed by the said Board of Commissioners, or under its direction, and all salaries and wages paid by said city shall be fixed by said Board of Commissioners. Unless otherwise provided the Board of Commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and those holding under him, all of whom shall hold office and be removable at the pleasure of the Board of Commissioners. The authority herein given is subject, however, to the provisions of any civil service or merit system law applicable to said city.

Section 5. Distribution of Powers and Duties. The powers and duties of the Board of Commissioners of each such city shall be distributed into and among three divisions, as follows: division of general administration and finance; division of public works; and division of public affairs. The President of the Board of Commissioners, or Mayor, shall be the general executive officer of the city and shall be charged with the general supervision and direction of its affairs; and shall have direct supervision over the division of general administration and finance. The division of general administration and finance shall include those functions and departments of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of equipment and supplies; accounts and accounting; the budget and appropriations; the administration of the legal affairs of the city, including the Recorder's Court; the management of its sinking funds; and the management of any public utilities owned by the city. Associate Commissioner Number One shall have direct supervision over the division of public works. The division of public works shall include those functions and departments of the city having to do with public improvements in such city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems, and public buildings and property; the city airport; the public

health and sanitation; and kindergartens. Associate Commissioner Number Two shall have direct supervision over the division of public affairs. The division of public affairs shall include the fire and police departments, the city cemetery, and the department having to do with weights and measures. Any function or department of the city not herein specifically assigned to one of the above divisions shall be the responsibility of the Board of Commissioners as a whole; provided, however, any such function or department may be assigned to a division, and reassigned, at any time by a unanimous decision of all members of the Board of Commissioners.

Section 6. Meetings. The Board of Commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said Board from time to time, and publicly announced by it, and it may hold such adjourned, called or other meetings as may be necessary or convenient. The President of the Board, when present, shall preside at all meetings of said Board but shall have no veto power. A majority of the total number of members of said Board shall constitute a quorum for the transaction of any and every business to be done by said Board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said Board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, for the transaction of any business of any sort by said Board or the exercise of any of the powers conferred upon it, except remitting fines, penalties and imprisonment. This provision shall not be construed, however, so as to prevent the said Board from delegating or assigning to one or more of its members, or to such boards, commissioners, officers or employees as may be created or selected by it the performance of such executive or judicial duties, and powers that are vested in said Board of Commissioners, as may be necessary or convenient, provided that same is done by resolution, by law or ordinance duly enacted. All meetings of said Board of Commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvement, enacting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said Board, provided that a meeting of the Board of Commissioners of said city may be called at any time to consider and act upon any emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded. A record of the proceedings of every such meeting shall be kept

in a well bound book and every resolution and ordinance passed by the Board of Commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two members of the Board of Commissioners before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 7. Franchises. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of the city, either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the Board of Commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks, in some daily newspaper published in said city, which publication shall be made at the expense of the person applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage and the expiration of the thirty days during which publication shall be made, as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to said Board of Commissioners, object to such grant, and if, during said period, such written petition or petitions signed by at least one thousand legally qualified voters of such city shall be filed with said Board of Commissioners, said Board shall forthwith order an election at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance making said grant, shall be published in said city, by one publication. If at such election, the majority of the votes cast shall be in favor of said ordinance, and the making of the said proposed grant, the same shall thereupon become effective, but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the said Board of Commissioners after such result of said election shall be determined to pass a resolution or ordinance to that effect. No grant of any franchise, or lease, or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of such city shall be made or given, nor shall any such rights of any kind whatsoever be conferred upon, any person, except by resolution or ordinance, duly passed by the Board of Commissioners, at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any

such rights or powers previously granted be made or given, except in the manner and subject to all the conditions herein provided for, as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the grant of sidetracks or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said sidetrack or switch shall not extend for a greater distance than one thousand three hundred and twenty feet. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity and it shall be the duty of the Board of Commissioners to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided this section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired. No exclusive franchise shall ever be granted and no franchise shall ever be granted for a longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person holding a franchise for the location, construction or operation of a railroad over a portion of any street and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of the first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm, or corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and in addition to any other form of compensation any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a percent of the gross receipts, such grantee shall make and report to the Board of Commissioners all its gross earnings once in six months, and pay into the city treasury the amounts due such city at the time said report is made. The Board of Commissioners shall also have access to and the right to examine and have examined all books, receipts, files, records and documents of any such grantees to verify the correctness of such semi-annual statements and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city, at its

election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself, the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the city is the owner of and operates a public utility plant, no franchise shall be granted to any person to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such city, at an election held in accordance with the provisions of this Act.

Section 8. Advertisements. For the advancement of the interests of the city the Board of Commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Section 9. Elections. In all primary and general elections held for the purpose of nominating or electing members of the Board of Commissioners of any such city, each of such positions to be filled shall be designated as provided in this Act and shall appear on the ballots of such elections designated accordingly. Each candidate for nomination or election as a member of the Board of Commissioners of any such city shall designate in the announcement and declaration of his candidacy the position to which he is seeking nomination or election and his name shall appear on the ballots of such election accordingly. An election shall be held in the city on the third Monday in May, 1963, and

on the same day of every fourth succeeding year, for the election of the President and two Associate Commissioners of the Board of Commissioners to hold office for a term of four years from the first Monday in October in said year and until their respective successors shall have been elected and shall have qualified for office. Any person desiring to become an independent candidate at any election which may be held according to the terms of this Act for the office of President of the Board or Associate Commissioner may become such candidate by filing in the Office of the Judge of Probate of the County in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said Judge of Probate or by a Notary Public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be substantially in the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city of _____ in said State and County and reside at _____ in said city, that I desire to become a candidate for the office of _____ in said city for the term of _____ years in the election for said office to be held on the _____ day of _____ next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election (signed) _____.

Subscribed and sworn to before me by said _____ on the _____ day of _____, 19____.

Judge of Probate or Notary Public." Said statement shall be accompanied by a petition signed by at least one thousand persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers of said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned, duly qualified electors of the City of _____ and residing at the places set opposite our respective names, do hereby request that the name of _____ be placed upon the official ballot as a candidate for the office of _____ in said city for the term of _____ years at the election to be held in this City on the day of _____ next. We further state that we know said _____ to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the _____ day of _____ 19____."

At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates

according to the provisions of this Act; and no ballot shall be used at any such election except the official ballot prepared as herein provided. At every such election the Board of Commissioners of any such city or a majority of them acting as an appointing board, must not more than twenty nor less than ten days before the holding of such election appoint from the qualified electors of the respective voting places election officials for each place of voting, to act at the place of holding elections in each precinct in such city, the number of such officials to be the same as prescribed by Title 17 of the Code of Alabama. All elections held under this Act shall, where applicable and not in conflict with this Act, be governed and conducted in all respects as provided by Title 17, Code of Alabama. No petition shall be required of party candidates.

Section 10. Voting. At every general election held under this Act, the candidate receiving the highest number of votes for the office which he seeks shall be declared elected.

Section 11. Eligibility. No person shall be eligible to become a member of the Board of Commissioners of the city who is not duly qualified to vote in said city. In case any person after he shall have been elected and duly qualified as such commissioner, shall be declared ineligible to hold such office a successor shall be chosen as in case of a vacancy by death, resignation or from any other cause.

Section 12. Oath of Commissioners. Every person who shall be elected to the office of commissioner in such city, shall before entering upon the discharge of the duties of the office qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of said commissioners shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided. Each commissioner shall, before entering upon the duties of his office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of such city, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties and that he will hold such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city in violation of law, and said bond, before being accepted, shall be approved by the Judge of Probate, in and for said county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. Neither any member of the commission or any person holding an office of profit under the

commission shall hold any office of profit or trust under the laws of any state of the United States, or hold any county or other city office; nor shall any commissioner be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years of his membership on said commission.

Section 13. Ordinances. No ordinance passed by the commission, except when otherwise required by the general laws of the state or by the provisions of this subdivision, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of this Act, except as to the percentage of signers.

Section 14. Vacancies. Whenever any vacancy shall occur in the office of the President of the Board or any Associate Commissioner of the city, the remaining Commissioner or Commissioners of such city shall order an election to be held not less than sixty nor more than ninety days from the date such vacancy occurs, at which election a successor to said office for the unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor. Provided that whenever any vacancy shall occur in the office of the President or Associate Commissioners within twelve months prior to the general city election as provided by this Act, then the successor

of such Associate Commissioner or Commissioners shall be elected by the remaining member or members of the Board of Commissioners of such city within thirty days from the date of said vacancy and such successor shall serve for the unexpired term of his predecessor. Every person who shall be elected to the office of President or Associate Commissioner in any such city under the provisions of this section shall qualify for office as soon as practicable after such election, and shall be clothed with all the duties, responsibilities, and powers of such office immediately upon qualification.

Section 15. Primary Elections. It shall be legal to hold party mass meetings, conventions or primary elections for the purpose of nominating candidates for the Board of Commissioners. (a) Candidates for President and Associate Commissioners of the city may be nominated in mass meetings, conventions or primary elections as defined in Chapter 2 of Title 17, Code of Alabama, by any political party as defined in said Chapter 2 of Title 17. (b) All mass meetings, conventions or primary elections under this subdivision shall be held on the third Monday in March, 1963, and every four years thereafter for the nomination of candidates for President and Associate Commissioners of said city, by all political parties as herein defined. (c) The beat or precinct committeemen of the county executive committee of precincts located within or partly within such city, shall constitute the executive committee of the political parties as defined in this subdivision, until committees are elected as herein provided; and provided further, that any committeeman presently serving on such committee shall continue in office until his successor shall have been elected and qualified. Said committee shall elect a chairman who shall have all the power and authority of the chairman of other committees of like character. There shall be elected in the primary held by the different political parties a committee composed of one member from each beat or ward located within or partly within such city and every four years thereafter. Said committee shall have all power and authority that is exercised by similar committees of the different political parties under said Chapter 2 of Title 17, when not in conflict with this Act. (d) The expense of such primary election shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of expenses of the general elections held under this Act. (e) The said committee hereby created, or other governing authority, shall, at least twenty days prior to the holding of such primary election, certify to the City Clerk of any such city the names of all candidates of their parties running for office, who are to be voted for by the voters of such city, and the

City Clerk shall in the manner and form provided for prepare all ballots for such primary election. (f) When it shall be desired by the city executive committee or governing authority of any political party to enter the primary election held under the provisions of this subdivision, said committee shall give notice thereof by advertising in some newspaper published in said city at least once a week for three consecutive weeks prior to such primary elections. (g) All persons registered in the city involved who are qualified electors under the general laws of this State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the city executive committee or governing body of such political party. (h) Separate official ballots and other election stationery and supplies for each political party shall be printed and furnished for use at each ward or precinct and shall be of a different color for each of the political parties participating in such primary election. Across the top of the ballots shall be printed the party's emblem, if any, and the words "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party", or other proper party designations. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidate seeks nomination, and in the proper place the words "Vote for One". (i) The names of the candidates for each office shall be printed in alphabetical order according to surnames, and the official ballots for primary elections shall be printed in substantially the following form: Party's emblem, Official Primary Election Ballot Party, Ward, District or Precinct Number City of Make X Mark Opposite your Choice. For President of Board of Commissioners. (Vote for One) John Doe, Richard Roe, For Associate Commissioner Number One. (Vote for One) Buck Doe, John Doe. For Associate Commissioner Number Two. (Vote for One) Abe Martin, Richard Martin. (j) Where more than one political party has entered such primary election, the proper officials shall furnish to the election officials of each voting place separate ballot boxes for each party participating in such primary. Said boxes shall be distinctively marked and the ballots of the electors of each party shall be deposited in the box assigned to and designated to that party. The returns, certificates or official list of voters, ballots, tally sheets and affidavits as to challenged voters, after the canvass of the votes shall be deposited in the ballot box of the party to which they relate. (k) At the close of the primary election at each polling place and nowhere else, the inspectors and clerks shall proceed forthwith

without adjournment in a manner, provided by law, in case of general election, to count the vote and make return thereof as provided by law in the case of returns of general elections.

(l) The counting of the ballots and the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and results of said election shall be drawn up by said inspectors and clerks at each and every election district, precinct or ward, which shall contain all matters and things provided for in the law regulating general elections. Said certificate in this respect shall be in the following form: _____ We hereby certify that John

Doe — Candidate for _____ received

_____ votes. Richard Roe — Candidate for _____

_____ received _____ votes. Said

certificates shall be signed by each of the inspectors; one copy of same shall be forthwith posted in a conspicuous place at such polling place. A copy shall be deposited with the proper committee or governing authority of each of the political parties participating in the primary at such place as the committee or governing authority shall designate for receiving such returns. (m) The city executive committee herein created, or other governing authority of the parties participating in said primary shall, not later than Tuesday at noon following the election, receive the returns, canvass the same and declare the results of said primary election. For each of the posts of President of the Commission, Associate Commissioner Number One, and Associate Commissioner Number Two, the candidate receiving a majority of the votes cast shall be declared nominated. If, for any one or more of said offices, no candidate shall receive such a majority of the votes cast, then the nomination to such office shall be between the two candidates receiving the highest number of votes cast, to be decided in a second primary as herein provided. The candidates receiving the majority of votes in such second primary shall be declared nominated for said office. The purpose of providing for a double primary is to insure the majority rule that all candidates of said party shall receive a majority of votes cast in said primary. (n) When a second primary is necessary the said city executive committee or other party governing authority shall order a second primary election, to be conducted under the same rules and regulations as the first, to be held one week from the date of said first primary for the nomination of candidates as hereinabove provided. (o) Not less than twenty days before the general city election to be held under this Act, the said city executive committee or other party governing authority shall certify to the City Clerk of any such city the name or names of the nominees of their party as the candidates

of such party in the general city election for the office for which each of such nominees is nominated. (p) Each candidate for nomination may, at least twenty days before the primary present to the city executive committee of his party a list of election officers desired by him for any one or more of the districts, wards, or precincts; and his city committee shall, so far as practicable, make up from the lists so presented to it a list of names of election officers, six in number, for each ballot box in each voting place in each district, ward or precinct, which it will nominate to the appointing board as herein provided for appointment as officers to conduct the primary election, and the city committee shall not less than twenty days prior to such primary election present the list so made up by it to the said appointing board which appoints the election officers to conduct elections for said city, which appointing board from the list so presented to it by the city committee shall not more than twenty nor less than ten days prior to such primary elections, select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and, in the latter case, if a city committee has not given a sufficient number of names for a box, then the appointing board shall supply the deficiency from electors of that party. (q) All nominations held under this Act may be contested, within one day after the result has been declared, under the same conditions and on the same grounds as provided in the general election laws as to state and county officers, and as provided in this Act. Such contest shall be heard and tried by the city executive committee; and whenever there is no city executive committee as above provided, then by any governing authority of said political party. (r) The chairman of the city committee, upon the filing with him of any contest as herein provided, shall immediately issue a call for said committee to meet at the county seat, in which said city is located, to hear and determine the same, and the decision of the said committee shall be final. (s) All primary elections held under this subdivision shall, where applicable and not in conflict with this subdivision, be governed and conducted in all respects as provided under Chapter 2 of Title 17, Code of Alabama. (t) In any such city where voting machines are in use, election procedures shall be as provided in the general election laws of this state, including the casting of absentee ballots in such primaries. (u) If, in any primary election held under this section, there shall be a tie vote cast, then, in such event, such tie shall be decided by the chairman of the executive committee of the party affected.

Section 16. General Laws Applicable. All other general

laws of this state regulating and prescribing the conduct of municipal elections, and the qualifications and registration of voters thereat, shall apply to elections hereunder except so far as expressly modified herein.

Section 17. Campaign Expenditures. No candidate for the office of commissioner can lawfully expend other than for newspaper, television and radio advertising, which expenses are exempt from this requirement, more than three thousand dollars of his own funds, and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provisions of this section shall be disqualified from holding said office, if successful and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this Act. All petitions must contain the certificate of the Probate Judge as to the requisite number of voters required and it shall be the duty of the Probate Judge of the county to ascertain that such petition does contain the requisite number of voters and attach his certificate to such a petition. The Probate Judge shall receive as compensation for such service ten cents for each name which said petition may contain. Security for the payment of such costs to be approved by the Probate Judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Section 18. Election Offenses. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this Act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this Act relative to his qualifications to vote at any such election, any person wilfully voting or offering to vote at any such election who has not been a resident of this state for two years next preceding such election, or who is not twenty-one years of age, or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting any violations thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Section 19. Soliciting at Polls. It shall be unlawful for any candidate for commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election day and unlawful for any person

to accept such hire, or make such contract for pay to solicit votes for commissioners, and any person violating this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall hereby be disqualified for and rendered ineligible to the office sought.

Section 20. Petitions. The petitions provided by this Act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this Act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Section 21. Interest in Municipal Contracts. No officer or employee elected or appointed in the city shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or service to be furnished or performed by the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or material or the profits thereof or services to be furnished or performed for any person, operating inter-urban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange, within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or attorney of any person operating any public service utility hereinabove mentioned and described in this Act within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, operating within the territorial limits of said city, any inter-urban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this Act shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free trans-

portation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty, nor shall any free service to city officials provided by any franchise or ordinance be affected by this Act.

Section 22. Examination of Records. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the results of such examination.

Section 23. Recorder. There shall be in the city the office of recorder of such city, and it shall be the duty of the Board of Commissioners of such city to elect a recorder for such city, who shall have all the powers and jurisdiction conferred by law upon recorders of cities in the State of Alabama. Whenever the recorder shall be unable for any reason to perform the duties of his office then the President of said Board of Commissioners shall designate some person possessing the qualifications of recorder, as provided in this Act, to act during the disability of the said recorder, and such person designated, when acting as recorder, shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the President of the Board of Commissioners in writing, which consent shall set forth the reason for such action. No person shall be eligible to the office of recorder of such city who is not a duly qualified elector in the county in which such city is situated and who is not admitted to the practice of law in the State of Alabama. The recorder shall be under and subject to the provisions of any civil service or merit system law applicable to said city.

Provided, that the salary of the incumbent Recorder of the Recorder's Court of the City of Montgomery at the time of the passage and approval of this Act shall be not less than \$6,000.00 per annum, which sum shall be paid in the same manner as other employees of the City of Montgomery are paid, and shall be exclusive of any sums now or hereafter paid to the Recorder by the State of Alabama or Montgomery County, Alabama. That said Recorder shall be eligible for such other salary increases as may be approved by the Personnel Board.

Provided, that the salary of the incumbent Prosecutor of the Recorder's Court of the City of Montgomery at the time of the passage and approval of this Act shall be not less than \$3,960.00 per annum, which sum shall be paid in the same

manner as other employees of the City of Montgomery are paid, and shall be exclusive of any sums now or hereafter paid to the Prosecutor by the State of Alabama or Montgomery County, Alabama. That said Prosecutor shall be eligible for such other salary increases as may be approved by the Personnel Board.

Section 24. Filing of Papers. The Judge of Probate of the county in which such city is located shall receive and file in his office all papers required to be filed with him under the terms of this Act.

Section 25. Employees' Pension System. There shall be a pension system which applies to all employees of the city.

Section 26. Employees Covered. Any employee of the city who shall have been in the service of such city or in the service of any city which such city has immediately succeeded, and who is not a member of an already existing retirement system, for as long as twenty consecutive years and shall have attained the age of fifty years, the last ten years of which have been continuous, and shall have attained the age of fifty years, upon making written application therefor to the Board of Commissioners or other governing body of such city, shall without medical examination or disability, be relieved and retired from active service for such city, and upon retirement, such retired employee shall be paid, and the Board of Commissioners of such city shall order and direct the payment of such employee, monthly, during his or her natural life, a sum equal to one-half of the average monthly compensation or salary received by such employee for the city's fiscal year in which he or she received the largest salary during the five year period next preceding his or her retirement. In computing the length of service of any employee who is an applicant for retirement under the provisions hereof by reason of having been in the service of such city for as long as twenty-five years, the last ten years of which have been continuous, such applicant shall not be allowed credit for service unless the last ten years of service shall have been continuous and unless the other fifteen years for which such applicant seeks credit shall have been in terms of not less than five continuous years. Payments hereunder to retired employees shall be made in the same manner and at the same time and from the same fund as payment of salaries and compensation are made to the regular employees of such city. Any employee who shall avail himself of the provisions hereof shall nevertheless remain a member or employee of the department of such city to which he or she was assigned at the time of his or her retirement, or of such other department

to which such retired employee may be assigned by the governing body of such city, and while relieved of regular duty such employee shall constitute a reserve or extra employee of such department and shall be at all times subject to the performance of any duty that may be required by the governing body of such city. Any person employed by such city and performing the duties of a regular employee in the service of the city and whose compensation is computed on a per diem basis shall be considered a regular employee in the service of the city, and the time during which such employee is or has been employed on a per diem basis shall be considered continuous and such employee shall be given credit for being an employee in the service of the city during the entire period of time that he or she has been available for service on a per diem basis and his or her employment shall, for the purpose of computing his or her length of service be treated as though said employee has been a permanent and regular employee of the city for the entire period for which he or she has been on call or serving and performing his or her duties as a regular employee in the service of the city, notwithstanding the fact that his or her compensation or salary was computed on a per diem basis. It is the intention here to provide that an employee who performs the duties of a regular employee in the service of the city, although his or her compensation is computed on a per diem basis, shall have his or her length of service in employment computed and counted for the entire period for which said employee has been engaged and on call and available for continuous service; provided, however, that in any such city which has an existing retirement system, any employee who has been eligible and did not waive membership under such retirement system shall be excluded from the benefits of this section.

Section 27. Applications Heard. The Board of Commissioners of the city shall hear and decide all applications for pensions under this Act and the decisions of such application shall be final and conclusive and not subject to review or reversal except by such authority itself.

Section 28. Register of Retired Employees. There shall be kept by the City Clerk of the city a book to be known as the "Register of Retired Employees". Such book shall contain a full and complete record of the action of the Board of Commissioners of such city in retiring any and all employees under this Act, together with the name of each employee so retired, the date such employee entered service with such city, the periods of his or her employment, the date of retirement and the reason for such retirement. The retirement of any employee under the provisions hereof shall be by resolution

of the Board of Commissioners of the city which shall be spread upon the minutes of the meeting of such Board of Commissioners.

Section 29. Interpretation. In case of any dispute arising out of or over the provisions of this Act, insofar as it relates to pensions or retirements or the interpretations of any of the provisions thereof, the decision of the Board of Commissioners of such city shall be final and conclusive.

Section 30. Garnishment and Assignment Restricted. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in any wise subject to garnishment or levy of execution or attachment or other process issued out of or by any court of this state, or any other state, so far as same may be sought to respond to the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 31. Construction. The provisions of this subsection shall never be construed nor enforced so as to authorize the municipal authorities to grant any extra compensation, fee, or allowance to any public officer, servant, employee or agent after service shall have been rendered, nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or moneys paid out or expended under and by virtue of said sections shall be paid for services to be performed or duties to be discharged in the future by the persons to whom such payments are made. The governing body of the municipality may, however, assign duties and impose services to be performed by the persons for whose benefit the pension and retirement system is intended and may make appropriations and payments to such persons in consideration of the performance of such services or the discharge of such duties so imposed upon them.

Section 32. Assessments of Costs in Cases for Violations of Ordinances. In all municipalities governed by this Act there may be assessed as costs of court in each case in recorders

court a sum not exceeding four dollars (\$4.00) in connection with every violation of municipal ordinance. The governing authority of the respective municipalities may by resolution provide that all, or a portion, of the said costs shall be paid into a fund provided for the pension of policemen and firemen, or either, in its respective municipality. The governing authority of each municipality or municipal corporation may also, by resolution, prescribe to what fund the costs of court shall be paid, and may also fix rules for its distribution to several funds, if, in the opinion of the governing authority of the municipality, such is advisable.

Section 33. Sanitation in Territory Outside of Corporate Limits. (1) Each such city governed by the provisions of the Act shall have the same power with respect to all matters of sanitation in the territory embraced in the police jurisdiction of such city as it has in the territory located within the corporate limits of such city. (2) Each such city shall have the same power with reference to the construction or reconstruction of sanitary sewer systems and sewage treatment or disposal plants and the construction or reconstruction of outlets for such sewer systems within the police jurisdiction of such city as it has within the corporate limits of such city. (3) Each such city shall have the same power with respect to the assessment of the cost of any such construction or reconstruction against the property abutting upon or served or benefited or increased in value by reason of such construction or reconstruction, where such property is located outside of the corporate limits of such city and within the police jurisdiction of such city, as it has under existing law with respect to assessments against property located within the corporate limits of such city and served, benefited or increased in value by reason of such construction or reconstruction and shall have the same power to issue bonds or negotiable notes to pay for such construction or reconstruction, as it has under law where such assessment is made against property located within the corporate limits of such city. All laws governing or relating to such assessments against property located within the corporate limits shall apply to such assessments made against property outside of the corporate limits and within the police jurisdiction of such city. All laws relating to the issuance of bonds to obtain money to pay for the cost of such construction or reconstruction, where the whole or any part of such cost is assessed against property located within the corporate limits of the city shall apply and govern the issuance and sale of bonds to obtain money to pay for cost of such construction or reconstruction, where such cost is assessed in

whole or in part against property located outside of the corporate limits of such city and within the police jurisdiction of such city.

Section 34. Validity. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts, or applications.

Section 35. Repealer Section. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 36. Effective Date. This Act shall become effective on August 1, 1961.

Approved August 7, 1961
Time: 10:51 A.M.

Act No. 464

H. J. R. 75—Callahan

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Minnie C. Miles, an associate professor of management in the School of Commerce and Business Administration at the University of Alabama, was elected first vice president of the National Federation of Business and Professional Women's Clubs, on July 25, 1961, in Chicago, Illinois, and WHEREAS,

Dr. Miles was elected to office over protest candidate, Mrs. Isabella Jones of Pittsburgh, Pennsylvania, winning by a margin of nearly one thousand votes, following a picketing of the meeting by members of the N.A.A.C.P. protesting the group's keynote speaker, Governor Orville Faubus of Arkansas, and WHEREAS,

Dr. Miles served as president of the Tuscaloosa B.P.W. Club and was leader of the Alabama B.P.W. Federation two terms before holding national offices. On the national level, she has served two years as program chairman, two years as third vice president and during the past year has held the office of second vice president, and WHEREAS,

Dr. Miles has traveled extensively working with the state, national, and international groups, doing good to her fellow man and bringing honor and good will to Alabama and the Nation, and is well on her way toward becoming National President, and WHEREAS,

Dr. Miles is a native of Marion County, Alabama,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That we do congratulate Dr. Miles most heartily and wish her every success in her new position with the National Federation of Business and Professional Women, and that we heartily approve of the good work that she has done and is doing,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded by the Clerk of the House to the National Federation of B.P.W., a copy be forwarded to the Tuscaloosa B.P.W. Club, and a copy be forwarded to Dr. Miles.

Approved August 7, 1961

Time: 8:30 A.M.

Act No. 465

H. J. R. 79—Smith (St. Clair).

HOUSE JOINT RESOLUTION

WHEREAS the members of the Legislature have heard with profound regret of the untimely death on July 31 of the Honorable Louie Glidewell, Coroner of St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the passing of the Honorable Louie Glidewell and extend heartfelt sympathy to his family.

RESOLVED FURTHER, That the Clerk of the House is hereby directed to transmit a copy of this resolution to Mr. Glidewell's family.

Approved August 7, 1961

Time: 8:32 A.M.

Act No. 466

H. J. R. 77—Branyon.

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 98, which has passed both houses be designated and known as "The Branyon, Barnett, Rutledge and Turner Bill."

Approved August 7, 1961

Time: 8:43 A.M.

Act No. 467

H. J. R. 78—Oden, Bishop.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the road side park located on U. S. 43 north of Russellville, which lies partly in Franklin County and partly in Colbert County and adjoins Hyde Lake, is hereby designated and shall be known as "Engelhardt State Park."

BE IT FURTHER RESOLVED that the State Highway Department is authorized and directed to cause to be erected and maintained at all times at the park appropriate placques or markers showing its designation as "Engelhardt State Park."

Approved August 7, 1961
Time: 8:31 A.M.

Act No. 468

H. 36—Grouby.

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Autaugaville, in Autauga County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Autaugaville in Autauga County are hereby altered, rearranged, and extended to include within the corporate limits of the town the following described land lying in Township 17, North, Range 14 East, to wit:

Begin at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 23; thence West along the North line of the South half of the South half of Section 23 to the West line of Section 23; thence South along the West line of Section 23 to the Southwest corner of Section 23 which is the Northeast corner of Section 27; thence continue South along the East line of Section 27 to the Southeast corner of the Northeast quarter of the Southeast quarter of Section 27; thence West along the South line of the North half of the Southeast quarter of Section 27 to the West line of the Southeast quarter of Section 27; thence North along the West line of the Southeast quarter of Section 27 to the Northwest corner of said Southeast quarter of Section 27; thence West along the South line of the Northwest quarter of Section 27 to the West line of Section 27 which is the East line of Section 28; thence continue West along the South line of the North half of Section 28 to the West line of Section 28; thence North along the West line of Section 28 to the Northwest corner of Section 28 which is the Southwest corner of Section 21; thence continue North along the West line of Section 21 to the Northwest corner of the Southwest quarter of the Southwest quarter of Section 21; thence East along the North line of the South half

of the South half of Section 21 to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 21; thence North along the West line of the East half of the East half of Section 21 to the North line of Section 21 which is the South line of Section 16; thence West along the South line of Section 16 to the Southwest corner of the Southeast quarter of Section 16; thence North along the West line of the East half of Section 16 to Swift Creek; thence Southeasterly along Swift Creek to the North line of Section 22; thence East along the North line of Section 22 to the Northeast corner of the Northwest quarter of Section 22; thence South along the East line of the West half of Section 22 to the Northwest corner of the Southwest quarter of the Northeast quarter of Section 22; thence East along the North line of the South half of the Northeast quarter of Section 22 to the East line of Section 22 which is the West line of Section 23; thence continue East along the North line of the South half of the North half of Section 23 to the Northeast corner of the Southwest quarter of the Northeast quarter of Section 23; thence South along the East line of the West half of the East half of Section 23 to the Southeast corner of the Northwest quarter of the Southeast quarter of Section 23, the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961

Time: 8:42 A.M.

Act No. 469

H. 144—Turner.

AN ACT

To repeal Act No. 624, S. 615, approved September 4, 1951, an act based on population and applying to Jackson County only according to the 1950 federal decennial census, which relates to the compensation and duties of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 624, S. 615, approved September 4, 1951, entitled "An Act to prescribe new, extra and additional duties for the Superintendents of Education in all counties of the state having a population of not less than 36,000 nor more than 39,000 according to the last or any subsequent census; to provide additional compensation for the performance of such

new, extra and additional duties," (Acts of Ala., 1950-1951, vol. II, p. 278) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved: August 7, 1961

Time: 8:41 A.M.

Act No. 470

H. 770—Steagall.

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Daleville, Dale County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Daleville, Dale County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within the boundaries and corporate limits, to-wit:

Beginning at the point where the West line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, T4N,R23E intersects the south right-of-way line of the Atlantic Coast Line Railroad and running thence south along the West line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 to the North line of Section 22; T4N,R23E thence running south along the west line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22 to the SW corner thereof; thence running West along the South line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 22 to the SW corner thereof; thence continuing West along the South line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21 T4N,R23E to the East side of CLAYBANK CREEK; thence running southerly along the East side of said Claybank Creek to the North line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 27, T4N,R23E; thence running East along the North line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 27, T4N,R23E to the West line of Cairns Airfield Property; thence running NOO-53'E along the West line of said Cairns Airfield Property to the Northwest corner thereof; thence running Easterly along the North line of said Cairns Airfield Property to the East line of the W $\frac{1}{2}$ of Section 26, T4N,R23E; thence running North along the said East line of the W $\frac{1}{2}$ of Section 26 to the NE corner thereof; thence running East along the North line of Section 26 to the SE corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23, T4N,R23E; thence running North along the East line of

the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 23, T4N,R23E to the NE corner thereof; thence running East along the north side of $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 23 to the NE corner thereof; thence running North along the East line of said Section 23 to the South side of Ala. State Hwy No. 134; thence running Easterly along the south side of said Ala. State Hwy No. 134 to its intersection with the north line of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 24; T4N,R23E thence running East along the North line of said $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ to the NE corner thereof; thence running south along the East line of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 24 to the SE corner thereof; thence running East along the North line of the $SE\frac{1}{4}$ of Section 24 to the NE corner thereof; thence continuing East along the South side of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 19, T4N,4R24E to the SE corner thereof; thence running North along the East line of said $W\frac{1}{2}$ of the $NW\frac{1}{4}$ to the NE corner thereof; thence continuing north along the East side of the $SW\frac{1}{4}$ - $SW\frac{1}{4}$ of Section 18 T4N,R24E to the south right-of-way of the Atlantic Coast Line Railroad; thence running westerly along the South right-of-way line of the Atlantic Coast Line Railroad to the point of beginning and being in Dale County, Alabama less and except the following parcels contained therein: $S\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 14, $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 15, and $E\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 15, $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 22, $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 22, $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 22, $NW\frac{1}{4}$ of Section 23 lying West of Ala. State Hwy No. 85 except that part lying adjacent to said Hwy No. 85 that has been subdivided; $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 27, the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 27, the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 27, and that part of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 24 lying North of Ala. State Hwy 134; the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 13, T4N,R23E, Dale County, Alabama.

Section 2. All farm and pasture land annexed by this Act shall be exempt from all ad valorem taxation by the municipality of Daleville, during the time such property is used for farming or grazing purposes.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 8:40 A.M.

Act No. 471

H. J. R. 80—Cabiness.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. The portion of Alabama Highway No. 65 in Jackson County, beginning at the Tennessee line and extending through Paint Rock Valley to the point where such highway intersects with U. S. Highway 72 at the town of Paint Rock is hereby designated and shall be known as "The John S. O'Neal Highway" in honor of John Silor O'Neal who served his county with honor and distinction as a member of the House of Representatives.

2. The State Highway Department is authorized and directed to cause to be erected and maintained at all times along the highway route herein described, appropriate signs or markers indicating that such highway is "The John S. O'Neal Highway."

Approved August 7, 1961

Time: 8:34 A.M.

Act No. 472

H. 607—Thomas, Lee.

AN ACT

To amend further Section 240 of Title 13, Code of Alabama 1940 which relates to transportation expenses, offices and supplies of circuit and deputy solicitors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 240 of Title 13, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 240. Any circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, who is ordered to prosecute any case, or work with any grand jury, or discharge any other duty outside of the circuit for which he has been elected or appointed, shall be entitled to his actual expenses for transportation, and a maximum of five dollars per day for subsistence. Upon his rendering an itemized and sworn to expense account within ten days after his return to his circuit, and upon the approval of said account by the attorney general, the comptroller shall draw a warrant in favor of such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, for such amount as stated in said account and not exceeding the limitations hereinabove provided. The several counties

of the state are hereby authorized, directed, and required to provide suitable offices for the use and occupancy by such circuit solicitors, deputy circuit solicitors, and assistant deputy circuit solicitors, and the state shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such offices and officers. The sum of money to be expended for the purposes of this section shall be limited to the specific amounts appropriated by the Legislature."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 8:39 A.M.

Act No. 473

H. 988—Meade.

AN ACT

To provide for branch banking in Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act any established bank which is authorized by its charter or by law to do a general banking business in Cherokee County may, with the written consent of the State Superintendent of Banks, open, establish, and operate a branch bank, branch office, or place for doing a banking business anywhere within said County, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1961
Time: 8:38 A.M.

Act No. 474

H. 202—Smith (Russell), Thomas,
Powell, Torbert, Cornett,
Jenkins, Harvey, Roberts,
Boyd, Sessions.

AN ACT

Providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of

the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the State Highway Director shall hereafter determine and order that the relocation of any utility facility, heretofore or hereafter constructed, is necessitated by the construction of any project on the national system of interstate and defense highways, including the extensions thereof within urban areas, the utility owning or operating such utility facility shall, relocate the same in accordance with the order of the State Highway Director; provided, however, if the cost of such utility facility relocation is eligible and approved for reimbursement by the Federal Government, the cost of the relocation of such utility facilities shall be paid by the State as a part of the cost of the construction of such project out of the funds then or thereafter available for such highway construction after the utility has furnished the State Highway Director with all papers, records, or other supporting documents required by said Director. It is further provided after the final Federal Bureau of Public Roads audit, the utility shall repay to the State the difference, if any, between the total amount paid by the State to the utility for said relocation, and the total amount collected by the State from Federal participation on such utility relocation plus the State's matching share of said Federal participation.

Section 2. Whenever the State Highway Director shall hereafter determine and order that the relocation of any utility facility heretofore or hereafter constructed is necessitated by the construction of any highway, road, or street, other than the highways that are a part of the National System of Interstate and Defense Highways referred to in Section 1 of this Act, the utility owning or operating such facility shall relocate the same in accordance with the order of the State Highway Director at its own expense provided, however, that if the facilities so to be relocated are owned by any utility which had a gross income of Ten Million Dollars (\$10,000,000.00) or less for the calendar year immediately preceding said relocation, or in the case of utilities which may be hereafter organized and created, which have a gross income of Ten Million Dollars (\$10,000,000.00) or less in their first complete year of operation, or in the calendar year immediately preceding said relocation, the cost of such relocation of such utility facility shall be paid by the State as a part of the cost of the construc-

tion of such project out of the funds then or thereafter available for such highway construction after the utility has furnished the State Highway Director with all papers, records, or other supporting documents required by said Director. It is further provided that after the final Federal Bureau of Public Roads audit the utility shall repay to the State the difference, if any, between the total amount paid by the State to the utility for said relocation, and the total amount collected by the State from Federal participation on such utility relocation plus the State's matching share of said Federal participation.

Section 3. The State Highway Director is authorized to enter into contracts or agreements and to conform any existing contracts or agreements with utilities in order to effectuate the purposes of this Act.

Section 4. The word "utility" shall include publicly, privately, and cooperatively owned utilities.

Section 5. The words "cost of relocation" shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

Section 6. The words "national system of interstate and defense highways" mean the National System of Interstate and Defense Highways or Interstate System described in Subsection (d) of Section 103 of Title 23, United States Code.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 9. This Act shall take effect upon its being signed by the Governor or upon its otherwise becoming law.

Approved August 8, 1961

Time: 11:00 A.M.

Act No. 475

H. 865—Goodwyn, Bailey, Pierce,
Goldthwaite

AN ACT

To repeal an Act of the Legislature entitled "An Act to authorize the governing body of any municipality in the State of Alabama having

a population of as many as 78,000 people and not more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, to provide park and recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a park and recreation board in any such municipality; to provide for the appointment of such board and to define its duties and powers, and the power and authority of any such municipality with respect to furnishing park and recreational facilities, independently or jointly with the county or city or county school board." (Act No. 440, H. 924, General Acts 1951, page 791, approved August 17, 1951).

Be It Enacted by the Legislature of Alabama:

1. That an Act of the Legislature entitled "An Act to authorize the governing body of any municipality in the State of Alabama having a population of as many as 78,000 people and not more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, to provide park and recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a park and recreation board in any such municipality; to provide for the appointment of such board and to define its duties and powers, and the power and authority of any such municipality with respect to furnishing park and recreational facilities, independently or jointly with the county or city or county school board;" (Act No. 440, H. 924, General Acts 1951, page 791, approved August 17, 1951), be and the same is hereby repealed.

2. This Act shall not be construed to affect any cause of actions, suits pending, or legal or other rights existing, or any liability or penalties incurred or existing under the Act hereby repealed.

3. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:44 A.M.

Act No. 476

H. 866—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To repeal an Act of the Legislature entitled "An Act to authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees

shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes." (Act No. 467, H. 1038, General Acts 1959, page 1161, approved November 13, 1959.)

Be It Enacted by the Legislature of Alabama:

1. That an Act of the Legislature entitled "An Act to authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes." (Act No. 467, H. 1038, General Acts 1959, page 1161, approved November 13, 1959.), be and the same is hereby repealed.

2. This Act shall not be construed to affect any cause of actions, suits pending, or legal or other rights existing, or any liability or penalties incurred or existing under the Act herein repealed.

3. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:45 A.M.

Act No. 477

H. 867—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To repeal an Act of the Legislature entitled "An Act to provide for and prescribe the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census." (Act No. 813, S. 662, General Acts 1951, page 1426, approved September 11, 1951).

Be It Enacted by the Legislature of Alabama:

1. That an Act of the Legislature entitled "An Act to provide for and prescribe the form of government for all cities

of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census," (Act No. 813, S. 662, General Acts 1951, page 1426, approved September 11, 1951), be and the same is hereby repealed.

2. This Act shall not be construed to affect any cause of actions, suits pendings, or legal or other rights existing, or any liability or penalties incurred or existing under the Act herein repealed.

3. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:46 A.M.

Act No. 478

H. 868—Bailey, Goodwyn, Pierce,
Goldthwaite.

AN ACT

To authorize the governing body of any municipality in the State of Alabama having a population of not less than 100,000 nor more than 200,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any municipality in the State of Alabama having a population of not less than 100,000 nor more than 200,000, according to the last or any subsequent federal decennial census, may, by resolution or ordinance duly recorded in its minutes, create a museum board in the manner herein provided.

Section 2. Each museum board created hereunder shall consist of five (5) members selected by the municipal governing body who have a recognized interest in general museum activities and at least two of such members shall be officers of any museum society, organization or corporation functioning in any such municipality to promote or sponsor a museum program, and at least one of such members shall be an active member of any Junior League organization functioning in such municipality.

Members of the museum board shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years, and one for a term of five years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The museum board shall elect from its membership a chairman and a secretary and such other officers as it deems necessary, to serve at its pleasure. The board shall adopt rules and regulations governing the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation.

Section 3. The museum board may, with the approval of the governing body of such municipality, and subject to any civil service or merit system law now or hereafter in effect in such city, employ a director of museums to be its executive officer and such employees as may be necessary to carry into effect the museum program determined by the board. The board, with the approval of the governing body of such municipality and in accordance with any civil service or merit system law now or hereafter in effect in such city, shall fix the salary and tenure of the director and the employees. Except as herein otherwise provided, all employees of the board shall in all respects be considered as employees of the municipality and subject to all the laws, rules, regulations and restrictions affecting employees of the municipality and entitled to all benefits, rights and privileges accorded employees of the municipality.

Section 4. The museum board shall be responsible for the direction, supervision and promotion of a museum program which will contribute to the general welfare of the residents of such municipality. The board shall have control over all lands, buildings, equipment and other facilities assigned for museum purposes to the board by the municipal governing body. The board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving museum services and facilities for such municipality. The board shall have power to accept financial and other aid and grants from any public or private agency, person or persons.

Section 5. The governing body of such municipality may make appropriations from municipal general funds to the museum board for the support and maintenance of the board in carrying out a museum program. The governing body of such municipality may designate for use as a museum any lands, buildings or equipment owned by, leased by or loaned to such municipality. The governing body of such municipality may improve and equip or appropriate funds to the board for im-

proving and equipping the lands, buildings, facilities, supplies and equipment for museum purposes by means of purchase, lease, loan, gift or condemnation procedure and shall have power to accept financial and other aid and grants for museum purposes from any public or private agency, person or persons.

Section 6. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts or application.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 8. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:47 A.M.

Act No. 479

H. 870—Goodwyn, Bailey, Pierce,
Goldthwaite.

AN ACT

To repeal an Act of the Legislature entitled "An Act relating to incorporated cities having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census; providing for city planning and zoning; creating a planning commission for each such city; prescribing the powers and duties of such a commission; and providing for and regulating appeals from orders, decisions, and actions of the council, commission or like legislative body of each such city made or taken in connection with the recommendations of the planning commission." (Act No. 729, S. 526, General Acts 1957, page 1134, approved September 20, 1957)

Be It Enacted by the Legislature of Alabama:

1. That an Act of the Legislature entitled "An Act relating to incorporated cities having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census; providing for city planning and zoning; creating a planning commission for each such city; prescribing the powers and duties of such a commission; and providing for and regulating appeals from orders, decisions, and actions of the council, commission or like legislative body of each such city made or taken in connection with the recommendations of the planning commission;" (Act No. 729, S. 526, General Acts 1957, page 1134, approved September 20, 1957), be and the same is hereby repealed.

2. This Act shall not be construed to affect any cause of actions, suits pending, or legal or other rights existing, or any

liability or penalties incurred or existing under the Act herein repealed.

3. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:48 A.M.

Act No. 480

H. 871—Goodwyn, Bailey, Pierce,
Goldthwaite.

AN ACT

Relating to incorporated cities having a population of not less than 100,000 nor more than 200,000, according to the last or any subsequent federal decennial census; providing for city planning and zoning; creating a planning commission for each such city; prescribing the powers and duties of such a commission; and providing for and regulating appeals from orders, decisions, and actions of the council, commission or like legislative body of each such city made or taken in connection with the recommendations of the planning commission.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all incorporated cities having a population of not less than 100,000 nor more than 200,000, according to the last or any subsequent federal decennial census.

Section 2. The city council, commission, or like legislative body of each city to which this Act applies shall appoint a city planning commission consisting of seven qualified electors of the city, which commission shall be in lieu of the city planning commission contemplated in Article 3 of Chapter 16, Title 37, Code of Alabama (1940), as amended. The planning commission provided for by this Act shall have all the powers, duties, and responsibilities of city planning and zoning commissions as provided in Chapter 16, Title 37, Code of Alabama (1940), as amended; and, except as otherwise provided in this Act, the provisions of Chapter 16, Title 37, Code of Alabama (1940), as amended, shall apply fully to the city planning commission provided for herein. The members of the city planning commission provided for by this Act shall serve at the pleasure of the council, commission, or like legislative body of the city.

Section 3. The planning commission shall elect a chairman from among its own number, and shall create and fill such other of its offices as it may determine. The commission shall hold at least one regular meeting in each month. It shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

Section 4. The city planning commission provided for by this Act shall appoint an executive secretary who shall be required to give bond in the penal sum of ten thousand dollars (\$10,000.00) for the faithful performance of his duties, and the premium on the bond shall be paid by the city. All recommendations made by the secretary to the planning commission must be made in writing and shall constitute public records. The secretary shall keep the record of all proceedings of the commission and shall have custody of the same. Such records shall be open to public inspection at all reasonable times. The commission may also appoint such other employees as it may deem necessary for its work and the appointment, promotion, demotion, and removal of the secretary and all other employees of the commission shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amount appropriated for the purpose by the city council, commission, or like legislative body of the city; and all contracts entered into by the commission under this section shall be in writing and be matters of public record.

Section 5. Before taking any action on any matter coming before the planning commission, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given as provided for by Chapter 16, Title 37, (1940), Code of Alabama, as amended. The members of the city council, commission, or like legislative body of the city may attend such hearings, but shall have no vote in the proceedings of the planning commission, and shall not be present at the time the planning commission votes to make its recommendations to the legislative body. All questions shall be determined by a majority vote of the members of the planning commission, and such votes shall be taken in executive session. After the planning commission acts and makes recommendations to the council, commission, or like legislative body of the city, such legislative body must either accept or reject such recommendations within thirty days, or one calendar month, from the date on which the recommendations are submitted to the legislative body. The council, commission, or like legislative body of the city shall hold such public hearings on such recommendations as in its discretion seem necessary; but the vote of such legislative body on the question of accepting or rejecting any such recommendations shall be made in public and shall constitute a matter of public record.

Section 6. Any petitioner for a zoning or a re-zoning of his property or with respect to a subdivision, who is aggrieved by any decision, order, or action taken or made in connection

with any such petition, may appeal within fifteen days from the date of such decision, order, or action to the circuit court of the county in which the city is located, by filing with the city clerk a written notice of appeal, specifying the order, decision, or action from which the appeal is taken. In case of appeal, the legislative body of the city shall cause a transcript of the proceedings in the case to be certified to the circuit court, and the cause in such court shall be tried de novo. The appellant shall have the right to a trial by jury in the circuit court upon his demand therefor. Any person, firm, or corporation, who is the lessee of, or the holder of the legal or equitable title to any property contiguous to or within one thousand feet (the width of streets shall not be included in determining said one thousand feet) of any property involved in any order, decision, or action shall be deemed to have such interest in the order or decision as to permit him to appeal the same as provided in this section. Provided, however, any person may appeal before the planning commission or legislative body and protest, testify and make recommendations to said bodies. An appeal under this section shall stay all proceedings in furtherance of the action appealed from unless the legislative body of the city certifies, after the notice of the appeal is filed, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In the event that an appeal is taken under this section, the petitioner may thereafter re-apply with the planning commission or the legislative body of the city for the same rezoning of his property or subdividing of his land, but shall have no right of appeal in connection with such re-application for a period of one year from the final determination of the matter by the courts; but nothing herein contained shall be construed to prevent the petitioner from re-applying for the same type of zoning or subdivision in the event no appeal is taken from the previous order, decision or action of the legislative body.

Section 7. All phases or parts of a general comprehensive city plan for any city affected by this Act which has been formally adopted by said city prior to the enactment of this Act are hereby confirmed and continued.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective on August 1, 1961.

Approved August 8, 1961

Time: 8:49 A.M.

Act No. 481

H. 872—Goodwyn, Bailey, Pierce,
Goldthwaite.

AN ACT

To authorize the governing body of any municipality in the State of Alabama having a population of as many as 100,000 and not more than 200,000 people, according to the last or any subsequent decennial Federal Census, to provide recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a recreation board in any such municipality; to provide for the appointment of such board and to define its duties and powers, and the powers and authority of any such municipality with respect to furnishing recreational facilities, independently or jointly with the county or city or county school board.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any municipality in the State of Alabama having a population of as many as 100,000 people and not more than 200,000 people according to the 1960 or any succeeding regular decennial Federal Census, may, by resolution or ordinance duly recorded in its minutes, create a recreation board in the manner herein provided.

Section 2. Each recreation board created hereunder shall consist of five members selected by the municipal governing body from residents of said municipality who have recognized interest in recreational activities. Members of the recreation board first shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The recreation board shall elect from its membership a chairman and secretary, and such other officers as it deems necessary, to serve at its pleasure. The board shall adopt rules and regulations covering the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation.

Section 3. The recreation board may, with the approval of the governing body of such municipality, and subject to any civil service or merit system law now or hereafter in effect in such city, employ a director of recreation to be its executive officer, and such staff and employees as may be necessary to carry into effect the recreation program determined by the board. The salaries of the director and the staff and employees shall be fixed by the board, and the tenure of the director and the staff and employees shall be at the pleasure of the board, all subject, however, to the approval of the governing body of

such municipality and also subject to any civil service or merit system law now or hereafter in effect in any such city. Except as herein otherwise provided, all employees of the board shall in all respects be considered as employees of the municipality and subject to all the laws, rules, regulations and restrictions affecting employees of the municipality and entitled to all benefits, rights and privileges accorded employees of the municipality.

Section 4. The recreation board shall be responsible for the direction, supervision, and promotion of such recreation programs as will contribute to the general welfare of the residents of such municipality. The board shall have control over all lands, buildings, equipment, and other facilities assigned for recreational purposes to the board by the municipal governing body. The board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving recreational services and facilities for such municipality. The board shall have power to accept financial and other aid and grants from any public or private agency.

Section 5. The governing body of such municipality may make appropriations from municipal general funds to the recreation board for the support and maintenance of the board in carrying out a recreational program. The governing body of such municipality may designate for use as playgrounds and recreation centers and facilities any lands, buildings or equipment owned by, leased by, or loaned to such municipality. The governing body of such municipality may improve and equip or appropriate funds to the board for improving and equipping the lands and buildings for recreational purposes, and may acquire lands, buildings, facilities, supplies and equipment for recreational purposes by means of purchase, lease, loan, gift or condemnation procedure, and shall have power to accept financial and other aid and grants for recreational purposes from any public or private agency. Any such municipality may, through the recreation board, or independently, join with the county in which it is located or with the city or county school board, in acquiring, improving or maintaining property for recreational purposes.

Section 6. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts or applications.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 8. This Act shall become effective on August 1, 1961.

Approved August 8, 1961
Time: 8:50 A.M.

Act No. 482

H. 873—Britton.

AN ACT

Relating to counties having populations of not less than 15,300 nor more than 15,400, according to the 1960 or any subsequent federal decennial census: To divide such counties into four forest protection districts, creating the office of district forest warden for each district within such counties, prescribing the duties of such officers, fixing their compensation, and imposing such duties ex officio upon the members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Every county in this State having a population of not less than 15,300 nor more than 15,400, according to the 1960 or any subsequent federal decennial census, is hereby divided into four forest protection districts, the boundaries of each of which shall coincide with the four commissioners' districts. There shall be four district forest wardens for the county, each of whom shall be charged with the duty of enforcing the provisions of Chapter 4 of Title 8 of the Code of Alabama (1940) in the county, and each of whom shall have the special duty of investigation and reporting, for his district, violations of Chapter 4 of Title 8 of the Code of Alabama (1940).

Section 2. The several members of board of revenue, court of county commissioners, or like governing body of the county shall be ex officio district forest wardens for their respective districts. For the performance of their duties as such wardens, each shall be paid a salary of one hundred dollars (\$100) per month out of any funds in the county treasury not otherwise appropriated.

Section 3. That all laws or parts of laws, general, local, or special, in conflict with the authority created hereby, or the provisions of this act be, and the same are hereby repealed.

Section 4. This Act shall become effective August 1, 1961.

Approved August 8, 1961

Time: 10:10 A.M.

Act No. 483

H. 927—Pruitt, Harvey.

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Sumter County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation desiring to

operate a hunting or shooting preserve in Sumter County on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation to have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit

from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of the county shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 5. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 6. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the Director of Conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 5 hereof shall be determined.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 9. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 10. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 8, 1961

Time: 10:00 A.M.

Act No. 484

H. 932—Goldthwaite, Goodwyn,
Bailey, Pierce.

AN ACT

Providing that in all cities of the State of Alabama now having or hereafter having a population of as many as 100,000 and not more than 200,000 people, according to the 1960 or any succeeding regular decennial Federal Census, the employees of any water works board or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are at the time of the creation or appointment of such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city, shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan in effect for employees of

any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission; providing for the contribution and payment by any such water works board or other board, public corporation or commission, of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; providing that any such water works board or other board, public corporation or commission may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with the participation by their respective employees in any such pension or retirement system, law or plan, or other benefit plan; and providing that any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with the participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and to all cities of the State of Alabama now having or hereafter having a population of as many as 100,000 and not more than 200,000 people, according to the 1960 or any succeeding regular decennial Federal Census.

Section 2. The employees of any water works board or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are, at the time of the creation or appointment of any such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city, shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan, in effect for the employees of any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission. Any such water works board or other board, public corporation or commission, shall be responsible for the payment of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; it being intended hereby to place the responsibility on any such water works board or other board,

public corporation or commission, of paying all sums of money, so far as their respective employees are concerned, which any such city would have been required to pay if such water works board or other board, public corporation or commission, had not been created or appointed.

Section 3. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and any such agreement shall contain a provision for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

Section 4. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for the benefit of the employees of any such city, and any such agreement shall contain a provision for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

Section 5. This Act shall become effective on the date the regular 1960 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 8, 1961
Time: 8:51 A.M.

AN ACT

To repeal an act of the legislature entitled "An Act to authorize all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit on the basis of such valuation increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, on the basis of an interest rate not in excess of four per centum per annum, and mortality, disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system or retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act." (Act number 403, S-504, General Acts

of Alabama, 1951, page 725, approved August 15, 1951) and to repeal the amendment thereto, which is an act of the legislature entitled "An act to amend Section 1 of Act No. 403, S. 504, approved August 15, 1951 (Acts of Alabama, 1951, p. 725), which authorizes all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants to enact ordinances to establish and maintain a general system of pensions and retirements for the benefit of their employees." (Act number 235, HB number 667, General Acts of Alabama, 1957, page 295, approved August 13, 1957.)

Be It Enacted by the Legislature of Alabama:

Section 1. That an act of the legislature entitled "An act to authorize all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit on the basis of such valuation increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, on the basis of an interest rate not in excess of four per centum per annum, and mortality, disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to

provide for the cessation, limitation or application of any former system or retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act." (Act number 403, S. 504, General Acts of Alabama, 1951, page 725, approved August 15, 1951), as amended, be and the same is hereby repealed.

Section 2. This act shall not be construed to affect any cause of actions, suits pending, or legal or other rights existing, or any liability or penalties incurred or existing under the act herein repealed.

Section 3. This act shall become effective August 1, 1961.

Approved August 8, 1961

Time: 8:52 A.M.

Act No. 486

H. 939—Goldthwaite, Bailey,
Goodwyn, Pierce.

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 100,000 and not exceeding 200,000 inhabitants, according to the 1960 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees, including regular employees whose compensation is computed and paid on a per diem basis, and the regular employees of any board or commission, with necessary classification and terms of admission; and providing

that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this Act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, on the basis of an interest rate not in excess of four per centum per annum, and mortality, disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this Act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this Act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this Act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and have applications in all cities in the State of Alabama having a population exceeding 100,000 and not exceeding 200,000 inhabitants according to the 1960 or any succeeding regular decennial Federal Census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to, or have application in, any other city. Any such city may enact ordinances to establish and maintain a general system of pensions and retirements, which may include allowances payable on retirement for age or disability, or benefits

on separation from service, with necessary classification and terms of admission; and to provide that upon the establishment of any system of pensions and retirements the hereinafter named employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as may be deemed expedient to admission to such pension or retirement system. Said general system of pensions and retirements shall be for the benefit of such city's regular employees and the regular employees of any Board or Commission and any person or persons employed by such city and performing the duties of a regular employee in the service of the city and whose compensation is computed on a per diem basis shall be considered a regular employee in the service of the city, and the time during which such employee is or has been employed on a per diem basis shall be considered continuous and such employee shall be given credit for being an employee in the service of the city during the entire period of time that he or she has been available for service on a per diem basis and his or her employment shall, for the purpose of computing his or her length of service, be treated as though said employee has been a permanent and regular employee of the City for the entire period for which he or she has been on call or serving and performing his or her duties as a regular employee in the service of the city notwithstanding the fact that his or her compensation or salary was computed on a per diem basis. It is the intention here to provide that an employee who performs the duties of a regular employee in the service of the city, although his or her compensation is computed on a per diem basis, shall have his or her length of service in employment computed and counted for the entire period for which said employee has been engaged and on call and available for continuous service. Such ordinances shall prescribe the manner in which the system may be conducted and its funds collected and disbursed.

Section 2. Cities enacting such ordinances as provided in Section 1 shall establish such board for the administration of the fund as is deemed expedient, or may provide for the governing body of the city as the administrative board. The board provided for in this section is hereafter referred to as The Board.

Section 3. The participating employees and the city shall contribute to the funds of such retirement system organized under the provisions of this act, and the rates of contribution shall be fixed by the Board upon the basis of actuarial valuations and shall be adequate to support the benefits granted. The Board shall have prepared annually an actuarial valuation of the assets and liabilities of the system, and on the basis of such valuations may increase or decrease the rates of contribution whenever such action is deemed by the Board to be necessary to preserve the solvency and equity of the system.

Section 4. A pension or retirement system organized under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per centum per annum and mortality, disability and other experience tables based on reliable experience for such, or a similar group of employees, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the ordinance; provided, however, that the reserves required in respect of service rendered or benefits granted prior to the date of organization of such system under the provisions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment hereunder.

Section 5. The organization under this act of a retirement system may provide for the cessation, limitation, or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system, provided that any funds of such former system transferred to the newly organized system shall be first applied to the payment of the benefits on account of which such funds were contributed.

Section 6. The funds of such retirement system organized under the provisions of this act shall be held independently of the funds in the treasury of the city, and shall constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system. The ordinance shall provide for trustees, who may be members of the Board, to invest and re-invest the funds of the system under such terms and restrictions in the manner of making investments as are provided in Act No. 515, approved July 9, 1945, establishing a state employees' retirement system, found in general acts of Alabama of 1945, pages 734 to 752.

Section 7. The property of a pension or retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of any member of the system. No assignment of any right in or to said funds, or of any benefit payable under the provisions of the ordinance, shall be valid.

Section 8. This act shall become effective August 1, 1961.

Approved August 8, 1961

Time: 8:53 A.M.

Act No. 487

H. 956—Goodwyn, Bailey, Goldthwaite,
Pierce.

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the intersection of the present City Limits and the west line of the east half of the Southeast Quarter of Section 31, Township 16 North, Range 18 East, the said point being 2543.7 feet south of the north right-of-way line of Southern Boulevard; thence south along the west line of the east half of the southeast quarter of said Section 31 a distance of 1619.1 feet to the south line of said Section 31; thence east along the south line of said Section 31 a distance of 1317.0 feet to the Southeast corner of said Section 31; thence north along the east line of said Section 31 and the west line of Section 32, Township 16 North, Range 18 East, a distance of 660.0 feet; thence east a distance of 2595.6 feet to a point on the west side of Narrow Lane Road 661.0 feet north of the south line of said Section 32; thence north along the west side of Narrow Lane Road a distance of 1947.1 feet to the present City Limits which is the south side of Buckingham Drive.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 8, 1961
Time: 10:28 A.M.

Act No. 488

H. J. R. 81—McCorquodale, Dunn.

HOUSE JOINT RESOLUTION

WHEREAS, death came on Wednesday August 2 to John Flagg Gillis in the ninety-fifth year of his life; and

WHEREAS, Mr. Gillis was a leader in his church for many

years serving as steward, circuit lay reader and Sunday School teacher; and,

WHEREAS he served his community, his county and his state in many capacities for more than three quarters of a century, having been principal of the Grove Hill Academy, a justice of the peace, register in chancery, county superintendent of education, clerk in the House of Representatives and a Representative to the Legislature from his county for several terms; and

WHEREAS, Mr. Gillis' many accomplishments coupled with his fine christian character endeared him to the heart of all who knew him, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama deeply mourns the death of Mr. John Flaggs Gillis and hereby extends sincere sympathy to his family.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk of the House to the surviving members of Mr. Gillis' family.

Approved August 7, 1961
Time: 8:35 A.M.

Act No. 489

H. J. R. 82—Faulk.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge which crosses the Pea River in Geneva County, and is on Alabama Highway No. 52, is hereby designated and shall be known as "The Lester Kersey Bridge."

BE IT FURTHER RESOLVED that the State Highway Department be directed to erect at or attach to the bridge appropriate plaques or markers showing its designation as "The Lester Kersey Bridge."

Approved August 7, 1961
Time: 8:36 A.M.

Act No. 490

H. 151—Roberts, Reynolds (Madison).

AN ACT

Relating to counties having a population of not less than 115,000 nor more than 165,000 inhabitants, according to the 1960 or any sub-

sequent federal decennial census, electing to come under the provisions of the Act as provided therein; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary for the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 115,000 nor more than 165,000, according to the 1960 or any subsequent federal decennial census when the county elects to come under the provisions of this Act as hereinafter provided.

Section 2. There is hereby created the Motor Vehicle License Department in every county which elects to come under the provisions of this Act as hereinafter provided. Said Motor Vehicle License Department is hereinafter referred to in this Act as the department.

Section 3. In those counties in which this Act applies and which elects to come under the provisions of the same as hereinafter provided, the judge of probate, the tax assessor and the tax collector of the county, by majority vote, shall appoint a director of the department who shall hold office at the pleasure of the appointing body and any vacancy in the office of the director of said department, because of death, resignation or otherwise shall be filled by majority vote of the judge of probate, tax assessor and tax collector of the county.

Section 4. The salary of the director of the department shall be fixed by the board of revenue, the court of county commissioners, or other like governing body of the county, pay-

able in equal monthly installments out of the general fund of the county. The director of the department shall be a county officer, shall have an official seal of office, and shall maintain his permanent office in the courthouse of the county.

Section 5. Before entering upon the duties of his office, the director of the department shall take the oath of office prescribed by the Constitution, and shall enter into bond conditioned as other official bonds are conditioned. Such bond shall be in such sum as may be prescribed by the governing body of the county. The bonds shall be approved by the county governing body and filed with and recorded by the judge of probate of the county and may be made by a surety company or surety companies authorized by their charters to execute official bonds, provided they are qualified to do business in this state, or such bond may be made with individual sureties or banks or other corporations qualified to do business in this state and authorized under their charters to make such bonds. All premiums on such bonds shall be paid out of the general fund of the county.

Section 6. Suitable office space, and all stationery, equipment, supplies and postage necessary for the conduct of the office, shall be furnished by the governing body of the county to the director of the department, except such stationery and supplies as the law requires to be furnished by the State Department of Revenue, the State Department of Finance, or the State Comptroller.

Section 7. The director of the department may appoint a deputy director of the department, who shall perform such duties as the director may prescribe, and who, in the absence of the director, shall have the same powers and authority herein granted to the director of the department. The director of the department also may appoint a sufficient number of clerks and assistants properly to perform the duties of the office. Their compensation shall be fixed by the county governing body and paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Section 8. That it shall be the duty of the director of the department to collect for and issue all licenses for motor vehicles, motor vehicle drivers licenses, temporary instruction permits to drive motor vehicles, and any and all other licenses which are now or may hereafter be required by law to be issued, collected for, and paid to the State of Alabama or the counties thereof in connection with motor vehicles and/or for exercising any right or privilege in connection therewith for which a license is now or may hereafter be required.

Section 9. To prevent motor vehicles, as defined by Article 8, Chapter 20, Title 51, Code of Alabama 1940, as amended, from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the director of the department as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the director of the department where the owner of the vehicle resides, if the vehicle is owned by an individual; and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the director of the department in the county in which the motor vehicle is used or operated; provided, that this section shall not apply to motor vehicles owned by dealers, the state, counties, and municipalities. Every person, firm, or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the director of the department of the county for the preceding tax year, and the director of the department of the county shall deliver to such person who makes the return as herein required a certificate of assessment on a form prescribed by the State Department of Revenue, and such certificate shall be the warrant of the director of the department to collect the tax as shown thereon. Motor vehicles, within the meaning of this Act, shall not be included in any assessment made by a person, firm, or corporation with the tax assessor, and such motor vehicle shall not be considered as escape property by reason of failure to include same in any tax return, but shall be assessed as herein provided. The director of the department, upon issuing a license for the operation of motor vehicles as herein provided, shall make the tax receipt in triplicate, keeping one copy on file in his office, forwarding a legible triplicate copy to the Department of Revenue on the day the license was issued. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty per cent of the fair and reasonable value of such motor vehicles. Motor vehicles brought into this state after the first day of October, and before the director of the department has completed his assessment, shall be subject to taxation the same as if it had been held or owned in the state on the first day of October. The director of the department is authorized to issue a motor vehicle license where he ascertains and makes a record of the fact that there is no ad valorem tax due on said motor vehicle for the preceding year. The director of the department,

in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in such county. The director of the department shall report and pay over the money collected for cities and towns at the same time and in the same manner as state and county taxes are reported and paid over by him. The director of the department shall receive a commission of two and one-half per cent for assessing and a commission of two and one-half per cent for collecting city and town ad valorem taxes and shall deduct these commissions from the amount collected before paying the same over to the city or town. All commissions collected hereunder by the director of the department shall be paid into the general fund of the county and shall be the property of the county.

Section 10. On or after the first day of September each year, the director of the department, if he elects to do so, may mail an application in the form and containing the information hereinafter provided to all owners of motor vehicles listed as such in the motor vehicle license records (including transfers) in his office or, at his option, to such owners as request that such application be mailed to them. The application shall be on a form to be provided by the State Department of Revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year, and motor number of his motor vehicle and such other information with respect thereto as the State Department of Revenue may prescribe. The application form shall also contain a space for the correct amount of ad valorem taxes (state, county, school districts and municipal) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for herein. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature. The director of the department shall cause the application form to be filled in with the name and address of the owner; the description of the motor vehicle; the license tax and fees to become due on October 1st succeeding, as shown on the license registration and transfer records in his office; and the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama (1940) as amended. The director of the department shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon, at the address to which such owner requests that the applica-

tion form be mailed. The owner of the motor vehicle, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes, and fees as shown thereon to the director of the department. Money orders and checks for the payment of such taxes and fees shall be made payable to the director of the motor vehicle license department. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax, and fees, the director of the department shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application is returned to the director of the department, unsigned, or when less than the correct amount of the taxes and fees due therefor has been paid, due to a change of address or other causes, such application shall be returned to the owner for correction or for signature. A return of such application or remittance shall not, however, extend the time within which taxes may be paid or a tag secured. If more than the correct amount of taxes and fees is received, the director of the department shall retain the correct amount of taxes and fees and return the excess together with the tag for the motor vehicle.

Section 11. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the director of the department on or before November 10th preceding the November 15th on which the motor vehicle license tag is due and payable, and the director of the department shall mail such tag on or before November 14th preceding such November 15th. The Director of the Department shall charge and collect a fee not to exceed seventy-five cents for each motor vehicle license tag issued by mail, in addition to all other fees prescribed by law. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and such fees collected by the director of the department shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided shall be paid from the general fund of the county upon proper warrant signed by the director of the department and approved by the county governing body as provided by law. All the forms necessary in the administration of this Act shall be furnished by the State Department of Revenue.

Section 12. The procedure authorized by this Act for the

payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided.

Section 12 (a). Every purchaser of a motor vehicle shall within 10 days after transfer of title to him, have the transfer of title made on the records contained in the office of the judge of probate; should the purchaser fail to so do he shall pay to the director of the motor vehicle license department the sum of \$2.50 as a penalty; this penalty shall be remitted by the director to the county general fund.

Section 13. In those counties to which this Act is made to apply, as hereinafter provided, any and all duties now or which may hereafter be required by law or judges of probate with reference to the registration, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of the ownership of motor vehicles, shall be performed by the director of the department, and the director of the department shall be entitled to collect all fees, commissions, charges, penalties and allowances now or hereafter fixed by law for judges of probate to collect in connection with the performance of said duties, and the judge of probate of the counties in which this Act is made to apply, as hereinafter provided, are relieved from any and all duties, liabilities, and responsibilities in reference thereto. The fees, commissions, charges, penalties and allowances collected by the director of said department in connection with the performance of the duties hereinabove enumerated shall be distributed as now, or as hereinafter, provided by law, either general or local. All records in the custody of the judge of probate of a county relating to the duties herein imposed on the director of the department shall, upon the effective date of this Act in said county as hereinafter provided, be delivered to the director of the department for said county.

Section 14. All duties required by law of the tax assessor and tax collector of any county to which this Act applies, with reference to the assessment and collection of ad valorem taxes on automobile, trucks, or other motor vehicles, shall be performed and exercised by the director of the department; and the tax assessor and the tax collector of the county are hereby relieved of all duties and responsibilities in reference thereto. The State Department of Revenue shall furnish the direc-

tor of the department all forms and blanks necessary for the assessment and collection of such taxes.

Section 15. The director of the department shall collect for the assessment and collection of state and county ad valorem tax on motor vehicles the same fees, charges, penalties and commissions fixed by law to be paid to the tax assessors and tax collectors for the same services. The fees, charges, penalties and commissions collected by the director of the department shall be paid into the general fund of the county.

Section 16. This Act shall become effective in a county to which it applies only upon a writing subscribed to by the judge of probate, the tax assessor, and the tax collector requesting to come under the provisions of this Act and upon the adoption of a resolution by a majority vote of the board of revenue, court of county commissioners, or other like governing body of the county, whereby the county elects to come under the provisions of said Act. The resolution, together with the proceedings had in connection with the passage thereof, shall be entered in the minute book of the county governing body and copies of said resolution, duly certified to by the chairman or presiding officer of the county governing body, shall be forthwith forwarded by the chairman or presiding officer of said county governing body to the State Department of Revenue, the State Department of Finance, the State Comptroller, and to the probate judge, tax assessor and tax collector of the county, and copy of said resolution shall also forthwith be published in a newspaper published in said county once a week for four consecutive weeks. Should the county governing body of a county which has elected to come under the provisions of this Act, as herein provided, desire to withdraw from the provisions thereof, it may do so by resolution to this effect unanimously adopted by said county governing body. Said resolution shall be entered upon the minutes of the governing body of the county and copies thereof, duly certified to by the chairman or presiding officer of the county governing body, forthwith be forwarded to the State Department of Revenue, the State Department of Finance, the State Comptroller, and the judge of probate, tax collector and tax assessor of the county. Notice of the action of the county governing body in withdrawing from the provisions of this Act shall also be given forthwith by publication of said resolution in a newspaper published in said county once a week for four consecutive weeks. Provided, however, the action of the governing body to withdraw from the provisions of this Act shall be void unless the tax assessor, tax collector and the judge of probate have first received notice in writing from the county

governing body of the anticipated effective date of withdrawal, which date shall be not sooner than one year from the 1st day of October next to come.

Section 17. The provisions of this Act shall immediately apply and become effective in a county upon the adoption of the resolution by the board of revenue, court of county commissioners, or other like governing body of the county, whereby it elects to come within the provisions of this Act; provided, however, that said governing body may, if it deems it advisable for the purpose of properly establishing said department and allowing the personnel to plan and become familiar with the work thereof, expend such funds as is necessary to set up said department and pay the director and personnel during said period but to delay the actual date when said department is officially put into operation within the county to perform the duties and exercise the powers herein provided.

Section 18. It is the intent and purpose of this Act to provide a more convenient and efficient method of issuing licenses and to render a better service to the people of such counties, by incorporating in one county office the assessment and collection of all taxes on motor vehicles and the issuance of all licenses.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective on its passage and approval by the Governor or its otherwise becoming a law.

Approved August 11, 1961

Time: 4:30 P.M.

Act No. 491

S. 444—deGraffenried.

AN ACT

Relative to cities in the State having a population of not less than 60,000 people nor more than 70,000 people, according to the last or any subsequent federal decennial census; providing for a commission form of government for such cities and making provisions for the election of the chairman of the commission board and two associate commissioners; providing for the time and manner of calling and of holding such election and providing for filing of a statement of candidacy

therefor; providing for the filling of vacancies; providing for a commission board and its powers and authorities; providing for the distribution of functions of the city into three divisions, and for the duty of each commissioner with respect to said divisions; providing that the chairman of the commission board shall devote his full time to the duties of his office, and that each associate commissioner shall devote such time daily as may be necessary to perform the duties of his office; providing for the salary of the chairman and of each associate commissioner; providing that such of the provisions of Article 1, Chapter 4, Title 37 of the Alabama Code of 1940, as amended or as the same is hereafter amended, as are not inconsistent with the provisions of this act, shall apply to and govern the city after it shall become organized according to the provisions of this act; providing for the election of a recorder; providing that the existing government in any such city continue in force until the commissioners elected pursuant to this act qualify and take office; and providing for the repeal of all laws, whether general, special or local, in direct conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. *Cities to Which Act Applies.* Each city in the State of Alabama having a population of not less than 60,000 people nor more than 70,000 people, according to the last or any succeeding regular decennial federal census shall become organized under the commission form of government under the terms of this act. The governing body of such city shall be known as the commission board of such city and the governing powers of any such city shall be vested in a commission board of three members, one of whom shall be designated as chairman thereof, and the remaining members shall be designated, respectively, associate commissioner number one and associate commissioner number two, whose duties, tenure of office, and mode of election shall be as hereinafter provided.

Section 2. The terms of members of said commission board shall run concurrently, and on the third Monday in September of the year 1961, and on the third Monday in September of each fourth year thereafter, there shall be held an election for the purpose of electing all three members of said commission board, all of whose tenure of office shall be for a term of four years and until their successors are elected and qualified as herein provided.

Section 3. In said election to be held on the third Monday in September, 1961, and in each election to be held thereafter, each office of said commission board to be filled shall be designated, the associate commissioners being designated as associate commissioner number one and associate commissioner number two, respectively, and this shall be shown on the ballot prepared for such election. In filing statement of candidacy

each candidate shall designate for which place he desires election. At every election each voter shall vote for only one candidate for each office, and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of the votes cast for such office. In case no one of such candidates shall receive a majority of all votes cast for the office for which he is a candidate, another election shall be held on the same day of the following week for said office, at which the two candidates receiving the highest number of votes at the initial election shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Each candidate declared elected in any election provided herein shall qualify and take oath of office on the first Monday in October, next, following said election.

Section 4. Any person desiring to become a candidate at any election which may be held according to the terms of this act for any office prescribed herein, shall file a statement of candidacy in the form and manner as provided by Section 63 of Title 37, of the Code of Alabama of 1940, as amended, except that such statement of candidacy shall also conform to the provisions of the preceding section. Any such election held hereunder shall be held in accordance with and in the manner and mode provided by the now existing laws relative to the election of municipal officers in cities having a commission form of government, except where in conflict with the provisions of this act.

Section 5. The members of such commission board shall be municipal officers only, and shall have, possess and exercise the municipal powers, legislative and judicial now, or hereafter, conferred upon municipalities and governing bodies thereof. All laws governing any city coming within the provisions of this act and not inconsistent with the provisions of this act shall apply to and govern said city after it shall become organized as provided by this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights, powers and property of every description which was vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; all employees of each such city and all officials shall continue in office until otherwise provided by the commission board; and no right or liability in favor of it or against it, and no suit or prosecution

of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act.

Section 6. The chairman of the commission board shall have supervision over the departments of streets, parks and public health; he shall be chairman of all meetings of the board and shall have general supervision over all matters pertaining to the government of such city;

(b) Associate commissioner number one shall have supervision of the departments of public safety, fire, police, and public affairs.

(c) Associate commissioner number two shall have supervision over departments of finance, taxation, accounts and accounting, budget and appropriations, public utilities and public buildings.

The powers and duties of each of said departments shall be fixed by the commission board and may be altered from time to time by them as they may deem best. Provided, the administration of each department shall be under the supervision and control of the commission board as a whole, and such board shall be responsible therefor.

Section 7. *Full Time Chairman of the Commission Board; Additional Duties.* The Chairman of the commission board shall devote his full time to the duties of his office, and each associate commissioner shall devote such time daily as may be necessary to perform the duties of his office. The chairman of the commission board shall maintain an office at the City Hall and be present thereat during reasonable hours when not otherwise absent therefrom on other duties of the city. The chairman of the commission board shall, in addition to his other duties, exercise the function of general administrative head of the city, and shall, subject to the direction of the commission board as a whole, have general supervision over all matters pertaining to the government of such city.

Section 8. *Compensation of the Chairman of the Commission Board and Associate Commissioners.* For the performance by him of the duties imposed by this act, including any additional duties that may be assigned to him hereunder, the chairman of the commission board shall receive \$10,000.00 per annum, and each associate commissioner shall receive a salary of \$6,000.00 per annum. All such salaries shall be paid monthly or semimonthly, as City employees are paid, during their respective terms of office, and shall be paid out of the general fund of the city. The payment of all funds out of the treasury

shall be by warrants signed by the city clerk and countersigned by the chairman of the commission board, but no funds may be paid out for any purpose except by resolution or ordinance duly adopted making such provision.

Section 9. No member of the commission, nor any person holding an office of profit under them, shall hold any office of profit or trust under the laws of any State of the United States, or hold any county office; nor shall any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof within two years therefrom. Members of said commission board shall be qualified electors residing within the corporate limits of the city.

Section 10. The commission board of any city coming within the provisions of this act shall hold regular public meetings on Tuesday and Thursday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The chairman of the board, when present, shall preside at all meetings of said board, but shall have no veto power. A majority of the total number of the members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, for the transaction of any business of any sort by said board or the exercise of any of the powers conferred upon it by the terms of this act, or that may hereafter be conferred upon it by law. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees, as may be created or selected by it, the performance of such executive or judicial duties and powers that are by this act vested in said commission board, as may be necessary or convenient, provided the same is done by resolution or ordinance duly enacted according to the terms of this act where not otherwise provided.

Section 11. No resolution or ordinance of a general or permanent nature, which has not been published one time in a newspaper regularly published and of general circulation within such city, at least seven (7) days prior to final enactment, shall be enacted and no such ordinance or resolution shall be enacted except at a regular or adjourned meeting of said

board, provided that a meeting of the commission board may be called at any time to consider and act upon an emergency that involves the public safety or public health; and ordinances or resolutions of such emergency nature may be adopted at any such meeting, without prior publication. Every motion, resolution, or ordinance introduced at any and every meeting shall be reduced to writing and read before any vote thereon shall be taken, and the ayes and naves thereon shall be recorded. A record of the proceeding of every meeting shall be kept in a well-bound book and every resolution and ordinance adopted by the commission board must be recorded in such book and the records of the meeting signed by at least two members of the commission board; such records shall be kept available for inspection by all citizens of such city at all reasonable times.

Section 12. All meetings of the board shall be open to the public.

Section 13. The commission board shall, each quarter, prepare a detailed statement of all receipts and expenses of the city, and a true summary of its proceedings during the preceding quarter; and annually, at the end of each fiscal year, the books and accounts of said city shall be audited by a reputable disinterested and certified accountant, and the audit report shall be certified to by the city clerk, attested by members of the commission board, and published in pamphlet form. A true summary of such annual audit report shall be published one time in a newspaper regularly published and of general circulation in the city.

Section 14. Whenever any vacancy shall occur in the office of the chairman of the commission board, or any associate commissioner of said board in cities organized under the terms of this act, then the remaining members of such board (and should two vacancies exist simultaneously, the remaining member) shall order an election to be held not less than thirty nor more than sixty days after the date when such vacancies occur, at which election a successor to said office for the unexpired term shall be voted for. The notice of such election shall be given by publication once a week for three consecutive weeks in some newspaper published in said city. Any person desiring to become a candidate for such office at such election shall qualify as provided for herein for the regular elections, and said special election shall be conducted in every manner as provided for the conducting of the regular elections provided herein. The person who shall be elected to such office at such election shall qualify for office as soon as practicable

and shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified.

Section 15. *Applicability of Article I, Chapter 4, Title 37, Alabama Code:* Such of the provisions of Article I, Chapter 4, Title 37 of the Alabama Code of 1940, as amended, and as the same may be hereinafter amended or supplemented, as are not inconsistent with the provisions of this act, shall apply to and govern any city after it shall become organized under the form of government provided for by this act.

Section 16. *Recorder.* The commission board of any city organized under the provisions of this act shall be authorized to elect a recorder who shall serve and exercise authorities all as provided in Chapter 12 of Title 37, of the 1940 Code of Alabama.

Section 17. From and after the effective date of this act, every city in the State of Alabama to which it applies shall become organized pursuant to the provisions of this act; provided, however, that the existing governing body of any such city shall continue in force and the elected officials of any such city shall continue to hold office and to perform the duties for which they were elected, and at the same compensation paid for the office to which they were elected until the commissioners, elected pursuant to this act, at an election to be called on the third Monday in September, 1961, have qualified and taken office as herein provided.

Section 18. *Severability.* The provisions of this act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 19. *Repeal of Conflicting Laws.* All laws or parts of laws, whether the same be general in nature, or special or local in nature, which are in conflict herewith, are hereby repealed.

Section 20. *Effective Date.* This act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 14, 1961
Time: 10:22 A.M.

Act No. 492

H. 943—Brannan.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Baldwin County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as part thereof when approved and proclaimed as prescribed by law:

AMENDMENT

“Section 1. The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

“Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 may be levied and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which

proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate August 11, 1961.

Act No. 493

H. 948—Dodd.

AN ACT

Proposing an amendment to the Constitution of Alabama relating to industrial development of Lawrence County and municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

"Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Lawrence County and any municipality located therein shall have full and continuing power and authority to do any one or more of the following provided that such action is first approved by a majority of the qualified electors of the county or the municipality who vote at an election held for such purpose.

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association, or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment.

"7. To levy and collect, in addition to all other taxes now authorized or permitted, a special county or municipal privilege license tax or taxes of not exceeding one percent paralleling the state sales and use taxes imposed by chapter 20 of title 51, Code of Alabama 1940 as amended.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Lawrence County or any municipality may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county and municipalities.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall

not be considered an indebtedness of Lawrence County for the purpose of determining the borrowing capacity of such county under section 224 of the Constitution.

"This amendment shall be self-executing; but the legislature shall have the power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate August 11, 1961.

Act No. 494

H. 968—Callahan, Ferguson.

AN ACT

To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa and in the territory of Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

"Section 1. The court of county commissioners, board of revenue or like governing body of Tuscaloosa County shall have the power to levy and collect a special property tax. in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per

cent on the value of the taxable property in the county situated outside the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama. The tax on property situated outside the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa.

“Section 2. The court of county commissioners, board of revenue or like governing body of Tuscaloosa County shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the territory and voted for by a majority of those voting at the election. Except as herein otherwise provided, elections on proposals to levy this tax on property situated within the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa shall be ordered and held in the same manner as provided by the law applicable to elections on school district taxes. The additional tax, authorized by this amendment to be levied on property situated within the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa, shall be collected in the same manner and under the same requirements

and laws as other taxes levied on property in the City of Tuscaloosa are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the territory subject to the jurisdiction and control of the City Board of Education of Tuscaloosa.

"Section 3. If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at intervals of not less than one year.

"Section 4. The special school tax herein authorized shall be effective for a period of thirty years.

"Section 5. This amendment shall be self-executing, and no enabling legislation shall be necessary."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 21, 1961.

Passed the Senate August 11, 1961.

Act No. 495

H. 906—Roberts, Reynolds (Madison), Brannan, Jenkins, Reynolds (Chambers), Johnson (Tom), Harvey, Pruitt, Sullivan, McClendon (Chambers), Hardy, Gilmer, McLendon (Bullock), Powell, Goldthwaite, Owens, Taylor, Dickson, Brooks, Bassett, Hain, Nichols, Hanny, Branyon, Hankins, Bishop, Shumate, Beville, Self, Morrow, Perry, Hawkins, Cates, Barnett, Harris, Speaks, Franklin, Vickers, Steagall, Cook, Oakley, Merrill, Albea, Ramey, Hearn, Engel, Ray, Phillips, Long

(Perry), Jones (Covington), Rast, Lee, Turner, Dodd, Cornett, Sessions, Gross, Salter, Torbert, Thomas, Murphy, Casey, Pierce, Johnson (Hardaway), Goodwyn, Gilchrist, Meade, Rogers, Cabiness, Broadfoot, Grant, Daniel, Brewer, Bailey, Edwards, Adams, Locke, Martin, Solomon, Chambers, Trimmier, Johnston (Leonard), Rozelle, Copeland, Grouby, Smith (St. Clair), Long (Lauderdale), Britton, Nettles, Dunn, Callahan, Gordon.

AN ACT

To propose an amendment to the Constitution of Alabama authorizing and providing for the issuance of not more than three million dollars in principal amount of general obligation bonds of the State of Alabama for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

"The State of Alabama is authorized to become indebted for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the State, interest-bearing general obligation bonds of the State not exceeding three million dollars in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the acquisition of lands, and to provide funds to be used for construction and equipment of a research institute; provided that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from such proceeds.

"The Board of Trustees of the University of Alabama is hereby vested with full authority, except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, de-

nominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said board at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said board in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided that the determination by the said board that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sales or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said board, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said board is received all bids may be rejected.

“The bonds shall be signed in the name of the State by the Governor and countersigned by the president pro tempore of the Board of Trustees of the University of Alabama and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer,

which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

"All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this State.

"The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special trust fund in the State Treasury to be designated The University of Alabama Research Institute Bond Fund; and such proceeds shall be used solely for the purposes, hereinabove enumerated, for which the bonds are authorized to be issued; provided that the plans and specifications for any building constructed with moneys from said special fund shall be approved by the Alabama Building Commission or any agency designated by the Legislature as its successor.

"The provisions of this amendment shall be self-executing and no further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 1, 1961.

Passed the Senate August 18, 1961.

Act No. 496

H. 1161—Boyd.

AN ACT

To make an additional appropriation for payment of expenses of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Hundred and Fifty Thousand dollars (\$250,000.00), or so much thereof as may be necessary,

is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the payment of the expenses of the Legislature. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1961
Time: 4:00 P.M.

Act No. 497

H. 193—Long (Perry), Gilmer, Turner, Goodwyn, Nettles, Turnham, Torbert, Roberts, Adams, Daniel, Brannan, Dickson, Hain, Smith (Russell), Vickers, Morrow, Johnson (Hardaway), Johnson (Tom), Johnston (Leonard), Ferguson, Barnett.

AN ACT

Relating to state regulation and supervision of the fluid milk industry; amending Code of Alabama 1940, Title 22, Sections 206, 207, 208, 213, 214, 215, 217, 221, 222, 223, and 224, to change the basis and rate and manner of payment of license fees by milk producers, milk distributors, producer-distributors, and cooperating marketing associations; to bring bob-tailers of milk or milk products and milk cooling stations within the regulatory jurisdiction of the milk control board and prescribe the license fees to be paid by bob-tailers and cooling stations; to authorize the milk control board to fix the salary of the executive secretary of the board within a prescribed maximum; to increase the compensation of the members of the milk control board; to provide for requisitioning board funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 206 of Title 22, Code of Alabama 1940, is hereby amended to read as follows:

“Section 206. DEFINITIONS. As used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

“‘Milk control board’ means a state agency created by this chapter to be known and designated as the ‘Alabama state milk control board’ which said milk control board shall have all the powers and duties hereinafter set out.

“‘Person’ means any person, firm, or corporation, association, or partnership.

“ ‘Milk dealer’ means any person who purchases, buys, sells, handles, or produces milk in any way except for consumption where said milk is not to be resold or otherwise distributed. Each person, corporation, partnership or association, which, if a natural person, shall be a milk dealer within the meaning of this chapter, and any subsidiary or affiliate of such corporation similarly engaged shall be deemed a milk dealer within the meaning of this definition. A hotel, lunchstand or restaurant which sells milk intended for consumption only upon the premises where sold; or a wholesale producer who sells his entire production to distributors; or any firm, corporation, association, or partnership owned and controlled entirely by wholesale producers who sell the entire production to distributors or processors; or a person who buys milk for processing purposes only and who does not sell or distribute any milk for fluid milk consumption shall not be deemed a milk dealer.

“ ‘Distributor’ means a person who purchases, accepts or receives milk for the purpose of putting such milk in bottles or other unit containers in which same is designed to be sold or for the purpose of cooling, pasteurizing, standardizing or otherwise processing such milk for fluid milk consumption or who buys milk from another producer, producer-distributor or distributor for the purpose of selling, jobbing or distributing such milk at wholesale or retail for any one or more such purposes. Said term, however, excludes all persons hereinafter defined as producer-distributors.

“ ‘Producer’ means a person who produces milk, any part or all of which is sold to another by whatever means or device for use, resale, or for fluid milk consumption.

“ ‘Milk Shed’ means any geographical area designated as a unit by the milk control board for regulatory purposes.

“ ‘Processor’ means a person who buys milk only for the purpose or purposes of processing such milk into by-products of milk, but does not sell or distribute any of such milk for fluid milk consumption. Any person who buys milk, a part of which is processed into by-products and a part of which is sold or distributed for fluid milk consumption shall not be deemed a processor.

“ ‘Milk’ means the lacteal secretion of a dairy animal or animals which includes such secretions when cooled, pasteurized, standardized, or otherwise processed for the purpose of sale as milk, cream, buttermilk, skimmed milk, and flavored milk drinks.

“ ‘Fluid Milk’ means milk as defined above, including cream, buttermilk, skimmed milk and flavored milk drinks when sold or offered for sale by whatever device, means or method as fluid

milk, but excludes milk sold in condensed or powdered form or concentrated milk contained in hermetically sealed cans.

“‘Consumer’ means any person who purchases milk solely for personal use or the use of his household.

“‘Store’ means any establishment where milk is sold directly to the consumer other than for consumption upon the premises where sold.

“‘Producer-distributor’ means a producer who distributes milk by whatever device, means or method which he produces, to milk dealers, stores, hotels, cafes, hospitals, restaurants, wholesale dealers, other producer-distributors, consumers, or consumers’ agents.

“‘Wholesale producer’ means a producer who sells milk, which he produces, in bulk to distributors for resale as fluid milk.

“‘Licensee’ means any person who holds a license from the milk control board, whether such person be a producer, producer-distributor, distributor, bob-tailer, cooling station, wholesale producer, store, or milk dealer.

“‘Bob-tailer’ means a person, as herein defined, who purchases processed and packaged milk and controlled milk products from a distributor or producer-distributor, and resells such milk or controlled milk products in the same container in which they are purchased to either wholesale or retail outlets, or to both wholesale and retail outlets in a controlled area. No person shall be deemed to be or licensed as a bob-tailer if he, in fact, performs no legitimate sales function in the milk marketing field, nor if his sales are confined to or principally composed of sales to one organization or a group of related organizations, and his relationship with them operates to nullify the wholesale pricing provisions of the Milk Control Act.

“‘Cooling Station’ means a raw milk assembly point which, as principal or agent for another person, receives direct from producers, raw unprocessed milk and stores, cools, or holds such milk for shipment or sale to other facilities, either controlled or uncontrolled, within or without the jurisdiction of the Alabama State Milk Control Board. A person, firm or corporation which in any manner processes milk or packages it in any type container except a container of the type customarily used for bulk shipment of milk, or any firm, corporation, association or partnership owned and controlled entirely by wholesale producers who sell the entire production to distributors or processors, shall not be deemed a ‘cooling station’

within the meaning of this chapter. Nothing in the foregoing definition shall prevent a licensed cooling station from performing the routine functions of weighing, testing, sampling, and grading all milk so handled.

“ ‘Cooperative Marketing Association’ as used in this Chapter means a person who purchases, accepts or receives milk

for the purpose of putting such milk in bottles or other unit containers in which same is designed to be sold, or for the purpose of cooling, pasteurizing, standardizing, or otherwise processing such milk for fluid milk consumption; or who buys milk from another producer, producer-distributor or distributor for the purpose of selling, jobbing or distributing such milk at wholesale or retail for any one or more such purposes.

“For the purpose of this chapter, the Alabama state milk control board shall determine what products, persons, firms, or corporations fall into the categories of the foregoing definitions, subject only to review as provided in Section 226 of this chapter.”

Section 2. Section 207 of said Title 22, as amended, is hereby further amended to read as follows:

“Section 207. MILK CONTROL BOARD. There shall be a milk control board to be known as the ‘Alabama state milk control board,’ to consist of five members. The members of the milk control board shall be appointed by the governor of Alabama, with the following qualifications: One person, who is a ‘wholesale producer,’ one person, who is a ‘producer-distributor,’ one person, who is a ‘distributor,’ one person, who is a ‘consumer,’ and who is not otherwise engaged in the milk business. One person as a member at large, which said person must not be engaged in the production, distribution, or sale of milk in any manner. All such members shall serve at the pleasure of the governor of Alabama, and all or any one of such members shall be subject to be removed at any time at the will of the governor. Any and all vacancies, whether arising from expiration of term, voluntary or involuntary retirement or death, shall be filled in the same manner as provided for each original respective appointment. The commissioner of agriculture and industries shall be an ex-officio member of the board; he may designate any member of the department of agriculture and industries to represent him at its meetings. The compensation of the members of the Alabama state milk control board shall be thirty dollars per day for each day actually engaged in the official functions of the Alabama state milk control board, not

to exceed fifty days per annum, plus subsistence and necessary traveling expenses at the rate allowed other state employees."

Section 3. Section 208 of said Title 22 is hereby amended to read as follows:

"Section 208. EMPLOYEES OF THE MILK CONTROL BOARD. The milk control board may employ such employees, assistants and legal representative and counsel as it may deem necessary to carry out the provisions of this chapter and may authorize and fix their respective salaries, wages or compensation. The board shall fix the salary of the executive secretary and financial officer, provided for in section 220 of this chapter, at an amount not in excess of ten thousand dollars (\$10,000) per annum. Employees of the board shall be paid subsistence and necessary traveling expenses at the rate allowed other state employees. All such employees, assistants and legal representatives and counsel shall serve at the will of the milk control board and may be removed by it at any time, but all expenditures made under authority of this chapter shall and must be paid from the receipts as hereinafter provided. The milk control board shall have authority to call upon the attorney general of the State of Alabama for any legal opinion, the same as other state agencies, and it shall be the duty of any solicitor or county attorney of the State of Alabama, when requested by the milk control board to do so, to investigate, institute and prosecute any violation of the milk control law or any lawful order, rule or regulation of the milk control board. However, the milk control board may have its own attorney or legal counsel to institute for it and in its name any civil action which the milk control board may deem it necessary or advisable to institute to enforce any provision of this chapter or any lawful order, rule or regulation of the milk control board. The milk control board shall have the authority to designate its own attorney to assist the solicitor or county attorney as special prosecutor in any criminal prosecution brought for any violation of this chapter or any lawful order, rule or regulation of the state milk control board or to defend the milk control board in any action wherein its interests are involved."

Section 4. Section 213 of said Title 22 is hereby amended to read as follows:

"Section 213. LICENSES TO PRODUCERS, PRODUCER-DISTRIBUTORS, STORES, MILK DEALERS, DISTRIBUTORS, BOB-TAILERS AND COOLING STATIONS. In any milk shed where the provisions of this chapter once

apply, it shall be unlawful for any producer, producer-distributor, store, milk dealer, distributor, bob-tailer, or cooling station to produce, sell, buy, handle, or distribute milk unless such person be duly licensed as provided by this chapter. It shall be unlawful for any such person to buy, sell, handle, or distribute milk which he knows or has reason to believe has been previously dealt with or handled in violation of any provision of this chapter, provided, however, any producer in any milk shed where the provisions of this chapter apply may file a written declaration under oath in the office of the milk control board setting forth that he does not desire a license as a producer or as a producer-distributor, that he desires to sell milk on the premises where produced, to persons furnishing their own containers, for consumption as fluid milk by the purchaser to whom the same is delivered in person, or by the immediate household of such purchaser, at prices not conforming to those fixed by the milk control board, all milk so sold to be produced and handled in conformity with the health laws and regulations pertaining to milk in force in the locality wherein such premises are located. Thereafter it shall be lawful for such producer without a license as a producer or a producer-distributor to sell milk on the premises where produced to persons furnishing their own containers for consumption as fluid milk by the purchaser to whom such milk is delivered, or by the immediate household of such purchaser, at prices not conforming to those fixed by the board, all milk so sold having been produced and handled in conformity with the health laws and regulations pertaining to milk in force in the locality wherein such premises are located; and until such declaration be withdrawn in the manner hereinafter provided, such producer shall not be eligible to apply for or to receive a license as a producer or producer-distributor. None of the dairy animals, facilities or equipment used in connection with the production of milk by a producer who has made and filed a declaration as herein provided, may be used by any licensed producer or producer-distributor while such declaration remains in force. Subject to the foregoing exceptions as to licenses and price fixing, all provisions of the milk control act shall apply to producers who have made and filed declarations as herein provided as fully and to the same extent as though such producers were duly licensed by the milk control board. Any producer who has made and filed such a declaration as herein provided for may cancel and withdraw the same at any time by written declaration to that effect under oath filed in the office of the milk control board. The milk control board shall prepare and make available to all persons desiring

to sell milk under the provisions of this section forms for the written declaration under oath herein required."

Section 5. Section 214 of said Title 22 is hereby amended to read as follows:

"Section 214. APPLICATION FOR LICENSE. An applicant for license to operate as milk dealer, producer, producer-distributor, store, distributor, bob-tailer, or cooling station shall file an application upon a blank prepared under authority of the board. An applicant shall state such facts concerning his circumstances and the nature of the business to be conducted as in the opinion of the board are necessary for the administration of this chapter. Such application shall be accompanied by the license fee required to be paid. The board may classify licenses and may issue licenses to milk dealers to carry on a certain designated kind of business only, or the same may be limited to a particular city or village or to a particular market or markets in the state, and may specify the place or places where milk may be received from producers by and with the consent of a majority of such producers. Each application for a license shall be in writing, under oath, and in all cases where a health permit is required of an applicant to carry on his particular kind of business by the state or county board of health, a certificate from such state or county board of health in the milk shed where he desires to do business that he is complying with the health regulations of such milk shed, must accompany the application. Where there are no health regulations in force in said milk shed by the county board of health, or where it does not apply, no certificate shall be necessary. Application shall be duly made within thirty days after this chapter takes effect in any milk shed by all milk dealers and producers then engaged in business in such milk shed. The license year shall begin October first, and shall expire September thirtieth. However, after a license has been issued by the milk control board no certificate or other evidence of annual renewal thereof need be issued by the board; and such license shall continue in force from year to year subject to revocation by the board upon failure of the licensee to pay when due any license fee or fees prescribed by law or failure to comply with the milk control laws or the rules and regulations of the board. In newly created milk sheds or in milk sheds where the territory has been extended, the license year shall commence as hereinabove stated and persons newly affected thereby who are required to have license shall pay the same license fee required of persons engaged in the same type of activities. All persons commencing new businesses who were not in business at the beginning of the license year shall pay the same license

fee in the same amount and in the same manner as provided for new or extended milk sheds."

Section 6. Section 215 of said Title 22 is hereby amended to read as follows:

"Section 215. LICENSE FEES. Any person required by this chapter to be licensed by the milk control board shall pay to the milk control board at the times and in the manner hereinafter prescribed such of the license fees as are applicable to the business or businesses in which he is engaged:

"A person operating a store or stores shall obtain a license for each store he operates and shall pay a license fee for each year or part of a year in which he operates such store or stores of two dollars and a half (\$2.50) for each store operated.

"A bob-tailer shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk and controlled milk products which he sells for human consumption in those areas controlled by the board except when such payment is ordered discontinued as hereinafter provided.

"A person operating a cooling station shall pay an annual license fee of twenty-five dollars (\$25).

"A distributor shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk and controlled milk products processed and sold for human consumption in those areas controlled by the board except when such payment is ordered discontinued as hereinafter provided. A distributor may reduce the number of pounds of milk on which he would otherwise pay a license fee as provided above, by the number of pounds of milk on which a license fee has been paid by a bob-tailer as provided herein. It is the intent of this provision to assure that in no event shall more than one cent (\$.01) per hundred pounds of milk be ultimately collected as a license fee at the distribution level.

"A producer shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk produced for sale in this state where the prices governing such sale are established by the board and the sales are made to licensed distributors, producer-distributors, cooling stations, or cooperative marketing associations in areas controlled by the board; and such fee shall be paid by the producer to the distributor at the time of the sale, unless such payment is ordered discontinued as hereinafter provided. However, any person, firm or corporation who owns two cows or less shall be exempt from the payment of a license fee as a producer.

"A producer-distributor, as defined by this chapter shall pay a license fee both as a producer and as a distributor, it being the intent and purpose of this chapter that a producer-distributor be licensed separately both as a producer and as a distributor. Each producer-distributor shall pay a license fee as a producer in an amount equal to one cent (\$.01) for each one hundred pounds of milk produced for sale in this state during each license year, and he shall also pay as a distributor a license fee, the same as a distributor as provided above.

"On or before the twentieth day of each month every licensed distributor and producer-distributor shall remit to the board the total amount of fees due by him as distributor fees, as producer fees and any bob-tailer fees for the preceding month. However, in remitting these fees he may deduct from the amount of the producer fees and any bob-tailer fees two per cent (2%) of the total of such producer fees and bob-tailer fees as compensation to him for services rendered in collecting and remitting such producer and bob-tailer fees. Any distributor or producer-distributor who fails to remit to the board license fees within the time hereinabove prescribed shall pay as a penalty an amount equal to ten per cent (10%) of the delinquent fees in addition to such delinquent fees.

"A licensed cooperative marketing association shall pay the same license fee as and in the same manner as a distributor and shall collect from licensed producers from which he acquires milk whether they are members of such association or not, in the same amount and manner prescribed above for distributors to collect from and remit to the board the license fees of its licensed producers. Such association shall likewise collect and remit any fees due by any bob-tailer, the same as is provided for a distributor.

"Whenever the total amount collected in a fiscal year from the license fees hereinabove prescribed equals the budgetary requirements of the milk control board for that fiscal year, plus the sum of twenty-five thousand dollars (\$25,000), the one-cent per hundred-weight license fee levied on licensed producers, producer-distributors, distributors, bob-tailers and cooperative associations shall be abated for the remainder of that fiscal year; and the milk control board shall notify all persons collecting license fees to stop collecting such license fees from producers and any bob-tailers and to stop remitting such license fees to the board ten days prior to the first day of any calendar month to be effective on the first of such month. All producers and bob-tailers will likewise be notified of the cut-off date.

"All money received by the milk control board from license fees in excess of the actual expenditures for the fiscal year in which such money is received plus a reserve of twenty-five thousand dollars (\$25,000) shall be carried over to the next fiscal year, and may be used by the milk control board in that fiscal year for the same purposes and in the same manner that funds derived from license fees for the current fiscal year may be used.

"This chapter shall not apply to a person who produces milk for his own use or for the use of his own household and who does not sell any milk produced by him, provided further that the exemption from the payment of a license herein provided for of a person owning two cows or less shall not exempt said person from complying with the provisions of this chapter or the orders of the milk control board, regulating the price of milk in a milk shed where said person sells any of the milk produced by him from such cows. A distributor, producer-distributor or bob-tailer paying a license under this section shall be exempt from payment of transient dealers license levied under Section 609 of Title 51, and transient vendors and peddlers license levied under Section 611 of Title 51."

Section 7. Section 217 of said Title 22 is hereby amended to read as follows:

"Section 217. GRANTING AND REVOKING LICENSES. At any time that an application is made for a license as provided by this chapter the milk control board may, if it deems it advisable or necessary, conduct an investigation before granting said license to determine if such applicant is entitled to the license for which he is applying. The milk control board may decline to grant such a license upon any of the following grounds: Where it ascertains that such person so applying has prior thereto held a license from the milk control board of Alabama under this or any other prior act of the legislature and where said license has been revoked by said milk control board or any prior milk control board for a violation of any provision of this or any other prior act of the legislature or any lawful order, rule or regulation of the milk control board operating thereunder, but the milk control board shall have the discretion to grant said license if, in its opinion, such applicant is then willing, able and intends to comply with all provisions of this chapter and all lawful orders, rules and regulations of the milk control board, or the milk control board may refuse to grant or renew a license where, after an investigation, it determines that said person so applying for a license is insolvent or owes for milk purchased in a former course of deal-

ings which he fails or refuses to pay. The milk control board may suspend or revoke a license already granted upon due notice and opportunity of hearing to the licensee when: The milk control board, after a hearing, has become convinced that a milk dealer or distributor has rejected without reasonable cause any milk purchased, or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealings. Or where the milk dealer, distributor, bob-tailer, or producer-distributor has failed to account and make payment without reasonable cause for milk purchased by him. Or where the milk dealer, distributor, bob-tailer, cooling station, producer-distributor or producer has committed any act injurious to the public health or calculated to defraud the public either in the production or marketing of milk or where said person has continued in a course of dealing in violation of this chapter or of any lawful order, rule or regulation of the milk control board intended by such person to defeat the purposes of this chapter. Or where a milk dealer, distributor, bob-tailer, cooling station, or producer-distributor has continued in a course of dealings of such a nature as to satisfy the milk control board of his inability or unwillingness to comply with the provisions of this chapter or the lawful order, rules or regulations of the milk control board, or where the milk dealer, distributor, bob-tailer, producer-distributor or producer has been a party to a combination to fix prices contrary to this chapter or the lawful orders, rules and regulations of the milk control board. A cooperative marketing association of dairymen organized under or operated pursuant to the provisions of this Code, or amendments thereto, and engaged in the collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly, nor shall the contracts, agreements, arrangements or combinations heretofore or hereafter made by such association or members, officers or directors thereof, in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare, trade or commerce, if otherwise authorized by such chapter or law, unless such association or its members, officers or directors violate any provisions of this chapter or any lawful rule, regulation or order of the milk control board. Or where milk dealers, distributors, bob-tailers, cooling stations, producer-distributors and producers fail to keep such records as required by the milk control board or where they, or either of them fail or refuse to furnish statements, reports, or information required of them by the milk control board. Or where it is shown that any statement upon which the license was issued is or was false or misleading on any matter which would be grounds for the refusal of the milk control board to issue a license. Or where the licensee

has violated any provision of this chapter. Or where the licensee has violated any lawful order, rule or regulation of the milk control board. Or where the licensee has been required to give a bond or an additional bond and has failed to do so. Or where the required health permit in cases where health permits are required has been suspended or revoked by the board of health having jurisdiction thereof. Or where licensee has failed to pay his license fee within the time allowed by law or within the time extended to him by the milk control board for the payment of such fee. Or where a licensee solicits or attempts by any manner or method to induce or coerce another licensee to sell such licensee milk at less than the lawful minimum price or prices established by the milk control board for the sale of such milk. In such event, the milk control board may, after becoming convinced that any such licensee has committed such acts as set out in this sub-section, order any and all licensees to discontinue and to cease supplying such licensee with milk for such time as the milk control board may find necessary to prevent such illegal practice. Or where a licensee, who is affiliated or owned by a foreign corporation, purchases milk from a licensee who is a domestic corporation or who sells milk in intrastate business, but who keeps the books and records of such transactions in another state, refuses or fails, after notice to furnish the milk control board true and verified records of all such transactions as the milk control board may deem necessary or advisable to carry out the purposes and provisions of this chapter.

"Any store, or cooling station who fails to pay his license when due or within the time, if any, extended by the milk control board for the payment of such license fee, shall automatically owe a penalty of ten per cent (10%) of the yearly license fee due by him. Any distributor or cooperative marketing association which fails to pay the producers, bob-tailers and the distributors license fees due by it by the twentieth day of the month following the month in which such license fees accrue or within the time extended for such payment by the milk control board, shall automatically owe a penalty of ten per cent (10%) of the delinquent license fees.

"In the event of a license being revoked for failure to pay a license fee as required by this chapter, the license shall only be reinstated upon payment of all the fee due thereon, plus the penalty hereinabove prescribed. The milk control board may grant or renew a license or may permit a licensee to retain his license conditioned upon the agreement of the applicant or licensee to do the things required by this chapter of him to do, or of any lawful order, rule or regulation of the board, or conditioned upon his agreeing to omit, cease or desist from doing anything which he has been doing in violation of the provisions of this chapter or any lawful order, rule or regulation of the

milk control board. The milk control board shall have the further power, in the event of such agreement and the subsequent failure of such licensee to comply with such agreement, to revoke such person's license the same as it might have done when said act of omission or commission was originally omitted or committed.

"In the event of a violation of any provisions of this chapter or any lawful order, rule or regulation of the milk control board, which is made grounds of a revocation of a license in this section, the milk control board may, in its discretion, in lieu of revoking said person's license, assess a fine against such licensee for such violation not to exceed the sum of five hundred dollars for each separate offense. Each days violation of any such provisions of order, rule or regulation shall constitute a separate offense. All fines assessed by the milk control board against a licensee shall be paid over to the milk control board or its financial officer, and shall in turn be audited into the treasury, the same as license fees levied under this chapter and any sum of money so derived from such fines shall be placed in the funds of the milk control board and used by it for the administration of this chapter, the same as provided for license fees levied under this chapter. Failure of a licensee to pay a fine assessed by the milk control board against him for a violation, as set out in this section, within the time allowed by the milk control board for the payment of such fine, which in no event shall exceed ninety days, shall unless appealed from, as hereinafter provided, constitute an automatic revocation of such licensee's license."

Section 8. Section 221 of said Title 22, as amended, is hereby further amended to read as follows:

"Section 221. FINES: DISPOSITION OF LICENSE FEES AND FINES. The executive secretary and financial officer shall deposit all monies received by him under the provisions of this chapter with the treasurer, auditing said money through the comptroller's office, as is provided for other funds paid into the treasury. All such money is hereby appropriated to the milk control board to defray the expenses incurred in carrying out and enforcing the powers and duties granted and imposed by this chapter, which shall be paid out of the treasury upon warrants drawn by the comptroller, upon the requisition of the financial officer; but in no event shall warrants against such funds be requisitioned or issued in a total amount in excess of the amount appropriated therefor by the legislature in the general appropriations bill. All monies paid by the milk control board into the treasury shall be placed in a special fund therein, to be known as 'milk control board fund', and used only for the purpose of the administration of this chapter. and such expenditures shall be budgeted and allotted in accordance with the provisions of Title 55, Chapter 4, Article 3, of the Code of Alabama of 1940.

The books and records of the milk control board shall be subject to state audit, the same as any other state agency."

Section 8 A. Section 222 of said Title 22 is hereby amended to read as follows:

"Section 222. CONSTRUCTION, EXCEPTIONS AND LIMITATIONS. The license required by this chapter shall be in addition to all other license required by any municipality of the State of Alabama. This chapter shall apply to every part of the State of Alabama, but shall not be construed to conflict with, alter or repeal laws in force relating to various Boards or departments of Health or any Municipal Ordinance regulating the health requirements of milk, nor the sanitary code or codes in force in any County or Municipality, or amendments thereof duly adopted insofar as they apply to or affect milk. If any clause, sentence, or paragraph or part of this chapter or any order, rule or regulation of the Milk Control Board shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter or of said order, rule or regulation, but shall be confined in its operation to the clause, sentence, paragraph or part of this chapter or order, rule or regulation of the Milk Control Board, directly involved in the controversy in which such judgment shall have been rendered. All other parts of this chapter or of any order, rule or regulation of the Board, otherwise constitutional or valid, shall be held in full force and effect. No provision of this chapter shall apply or be construed to apply to foreign or interstate commerce except insofar as the same may be effective pursuant to the United States Constitution, and to the laws of the United States, enacted in pursuance thereto. It is the intention of the Legislature, however, that the instance, whenever that may be, that the handling within the state by a milk dealer, producer, distributor or producer-distributor of milk produced outside of the state, becomes the subject of regulation by the state in the exercise of its police powers, the provisions, provided for in this chapter, affecting intrastate milk, shall immediately apply and the powers conferred by this chapter shall attach thereto."

Section 9. Section 223 of said Title 22 is hereby amended to read as follows:

"Section 223. ORDERS FIXING PRICES AND HANDLING CHARGES FOR MILK. The milk control board shall investigate what are reasonable costs and charges for producing, hauling, bottling, packing, distributing, processing and marketing of milk and other service performed in respect to milk and what prices are reasonable for milk produced, marketed and sold in the several localities and markets of the state, and what prices will, under the various and under varying conditions

existing in different markets, localities and zones of the state, best protect the milk industry within the state and insure a sufficient quantity of pure and wholesome milk to the inhabitants of the state and be most in the public interest. The milk control board shall take into consideration the balance between production and consumption of milk, the cost of production and distribution in the marketing of milk, both retail and wholesale, and the purchasing power of the consuming public in the several localities, markets and zones throughout the state. Before fixing prices or handling, processing or transportation charges, the milk control board shall hold public hearings in the milk shed or milk sheds affected thereby, and hear evidence under oath relative to the prices to be fixed for the sale of milk in the milk shed where said prices are sought to be fixed, at which meeting the consuming public shall be entitled to offer evidence and to be heard, the same as persons engaged within the milk industry, but the milk control board, in fixing prices shall be entitled to consider matters within its own knowledge and matters within the knowledge of the various members representing the different interest on the milk control board, as well as matters which it has ascertained from other milk sheds within the state and matters ascertained by it, affecting conditions as they relate to milk in other states. After conducting said public meetings and taking evidence the milk control board may, at its discretion, take the evidence, the matters submitted to it under advisement and deliberate among itself in private and render a decision at a future date. Notice of all price fixing meetings shall be given to interested parties and to the consuming public by advertisement run in a newspaper having general circulation within the milk shed, which said notice shall be run at least once, not less than ten, not more than thirty days prior to the date set by the milk control board for such hearing. Such publication shall be deemed sufficient and legal notice for all purposes required by this chapter to be published.

“After holding such meetings and making such other investigation as the milk control board may deem advisable, the milk control board may fix by official order the following: The minimum price or prices within the milk shed to be paid by milk dealers, producers, distributors, bob-tailers, and producer-distributors to producers and others for milk in its various grades and uses as the milk control board may determine are best to carry out the provisions of this chapter. The order of the milk control board, with respect to the minimum prices to be paid to producers and others, shall apply to the locality or zone in which the milk is produced, the markets in which milk so produced is sold, and may vary in different localities or zones or markets according to varying uses and different conditions. In fixing different prices for milk produced in different localities but ultimately sold in the same milk shed, the board may consider

the distance between the various localities where the milk is produced and the milk shed where it is ultimately consumed, and may fix a different price for milk produced nearer the point where it is sold than for milk produced at a greater distance, or the board may fix a standard price for the purchase of milk delivered at the plant of distributor or milk dealer within the zone and allow a deduction to the milk dealer or distributor from said price for milk received by such distributor or milk dealer at its plant outside of the milk shed, which deduction shall be only such amount as is found reasonably necessary to cover the cost of collecting and transporting said milk from the point where it is produced to the point where it is consumed.

“When in the judgment of the milk control board, it is necessary or advisable, due to seasonal fluctuations or other unstable conditions, in order to promote a proper balance between the supply of and the demand for milk, to fix a lesser price for milk which is produced in excess of what is needed for fluid milk consumption, the milk control board may establish the quantity of milk for which the distributor or milk dealer shall pay the fluid or base milk price, and may establish a lesser price for milk which is produced in excess of what is needed for fluid milk consumption. For this purpose, the milk control board may compute said quantity upon a uniform system of plant usage, classifying milk according to its various usage and establishing different prices which the milk dealer or distributor shall pay for each classification, or the milk control board may, if it deems it most advisable, establish a base surplus system, placing all milk sold by a plant for fluid milk consumption, including all milk as defined in the definition of fluid milk in one classification, establishing a price therefor and all milk processed by such distributor or milk dealer into by-products into another classification, and fixing a lesser price for said surplus milk so used in the by-products classification, or the milk control board may use a combination of both systems. The milk control board shall have authority to use the different systems of classifications in different milk sheds or different localities of the state as it deems most advisable to carry out the provisions of this chapter. The milk control board shall have the power to establish uniform rules and regulations for the apportionment of this quota of base milk among the various producers who furnish such distributors and milk dealers with their regular milk supply used for such purposes, and may adopt such systems for the apportionment of such base or higher price classification of milk among the several producers as it may determine to be the most just and equitable in the administration of this chapter. For this purpose, the milk control board may require any milk dealer or distributor to supply necessary information about the quantity of milk received from the producers during a specified period

of time, and any other information necessary for the determination of this matter. The milk control board may determine the price to be received by producers for milk within the quota of base or higher price classification of milk and for surplus milk or milk in excess of such producers quota. Each order fixing price or handling charges may classify milk for forms, classes, grades, or use as the milk control board may deem advisable and may specify the minimum or maximum price or both in each classification, grade or use as the milk control board may determine.

"The milk control board is further empowered to fix the minimum or maximum prices, or both, to be charged, for milk sold wholesale or retail within each respective milk shed where such milk is sold for fluid consumption, regardless of where such milk may have been produced, when sold by producers, producer-distributors, distributors, bob-tailers, milk dealers or stores or any of them, to consumers, to stores, to hotels or restaurants, to other milk dealers or to anyone else who purchases milk. The minimum wholesale or retail price or prices to be charged for milk in any of its forms, grades or uses shall not be fixed higher than is reasonably necessary to cover the cost of ordinarily efficient and economic production, cooling, pasteurizing, distributing, and marketing of such milk, which shall include, however, a reasonable return and profit upon labor and necessary investment.

"The milk control board may, after a hearing as provided in this section to determine the justness and reasonableness thereof, also fix the amount of charges to be allowed for the handling, transportation, cooling, processing, storing, or distribution of milk or any one or more of such charges in any transaction: between milk dealers and other milk dealers; producers and milk dealers, cooling stations, or distributors; or between any two or more of them.

"After the milk control board shall have fixed minimum or maximum prices or both for the sale, distribution, handling, processing, storing, transportation to be charged or paid for milk in any form, grade or use, included in the definition of milk, as used in this chapter, or as classified or provided for in this chapter, it shall be unlawful for any producer, producer-distributor, distributor, bob-tailer, milk dealer, store or their agents or employees, to sell or buy or to offer to sell or buy milk at any price less or more (where the milk control board has established a maximum price) than such price or prices as shall be applicable to the particular transaction, and no method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such price or prices as shall be applicable to the particular transaction whether by a dis-

count or rebate, or free service or advertising allowance or a combined price for such milk together with other commodity or commodities or service or services, which is less or more than the aggregate of the prices for the milk and the price or prices of such commodity or commodities or service or services when sold or offered for sale separately or otherwise. The combining with milk of a commodity handled by the licensee at a price for the commodity other than milk at less than the price which such licensee sells such commodity other than milk to anyone who does not purchase milk shall be deemed to be combining one or more commodity or commodities with milk, which is less than the aggregate price for the milk and other commodity combined.

"The milk control board may, upon its own motion, or upon application from time to time, alter, revise, or amend an official order theretofore made with respect to price or handling charges, or both, to be charged or paid for milk. Before making, revising or amending any order fixing the price or handling charges, or both, to be charged or paid for milk, the milk control board shall hold a hearing on such matters in the same manner provided for herein for the original fixing of prices. All orders, rules and regulations of the milk control board may be reviewed by certiorari as hereinafter provided for."

Section 10. Section 224 of said Title 22 is hereby amended to read as follows:

"Section 224. RULES OF FAIR TRADE PRACTICES. In addition to the general and special powers heretofore set out, the milk control board shall have the power to make and promulgate reasonable rules and regulations covering fair trade practices as they pertain to the transaction of business among licensees under this chapter, including: Preventing false or misleading advertisement; the misrepresentation of producers, milk dealers, producer-distributors, stores, distributors, bob-tailers, or cooling stations to consumers or among themselves, as such, pertaining to the quality of their product or service or of facts which they know to be false and which are made with the intent to deceive or defraud consumers or other milk dealers, producers, distributors, bob-tailers, cooling stations, producer-distributors or stores; to prevent any act or combination of acts, on the part of licensees, intended to make inoperative the provisions of this chapter; to prevent sales promotion schemes which combine the giving of prizes with the purchase of milk directly or indirectly, or which make a lottery of the sale of milk."

Section 11. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1961
Time: 10:00 A.M.

Act No. 498

H. 3—Torbert, Grouby, Smith (Russell),
Oden, Goodwyn, Boyd, Ingram,
Vickers, Pruitt, Casey, Turnham.

AN ACT

To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of \$75,000, in addition to any appropriation heretofore made, for the purpose of completing construction and equipment of a building at Auburn, Alabama for the State Toxicologist, and to further provide for such construction.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sum of \$75,000 is hereby appropriated from any funds in the State Treasury to the credit of the General Fund, in addition to any appropriation heretofore made, to the State Building Commission to be used for the purpose of completing the construction and equipment of a building at Auburn, Alabama on the campus of Auburn University to house the offices, laboratories and other facilities of the State Toxicologist. Such construction shall be under the supervision and control of the State Building Commission, and the appropriation herein made shall be expended on order of said Commission or its duly authorized officers, agents or employees as directed by the Commission. The public improvement herein provided for shall be constructed pursuant to and in accordance with the provisions of Title 50, Code of Alabama 1940, as amended.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:00 A.M.

Act No. 499

H. 566—Faulk.

AN ACT

To alter, re-arrange and extend the boundaries of the municipality of Geneva, in Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Geneva are hereby altered, rearranged, extended and fixed so that the following lands in Geneva County shall be embraced within the corporate limits of said municipality, to-wit:

E $\frac{1}{2}$ of Section 13, E $\frac{1}{2}$ of Section 24, E $\frac{1}{2}$ of Section 25 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, all in Township 1 North, Range 21 East, NW $\frac{1}{4}$ of Section 31 and all land in E $\frac{1}{2}$ of Section 31 that lies East of SAPC Road No. 31, in Township 1 North, Range 22 East, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and all land lying West of the paved Geneva-Bellwood Road in SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 9, Township 1 North, Range 22 East, all land lying West of Choctawhatchie River in Section 16, all of Section 17, all of Section 18, all of Section 19, all of Section 20, all land lying West of Choctawhatchie River in Section 21, all land lying West of Choctawhatchie River in Section 28, all of Section 29, all of Section 30 and all of Section 32, all in Township 1 North, Range 22 East, one (1) acre of land in the Southwest corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, Township 1 North, Range 22 East, one lot or tract of land lying and being situated in the E $\frac{1}{2}$ of Section 21, Township 1 North, Range 22 East, and consisting of 0.5133 acres, more or less, and being more particularly described as follows: beginning at a point on the West side of the old Eunola-Hartford road, which point is the Southeast corner of the one acre lot purchased by Dr. Boone from Mrs. A. L. Kelly, and running S 39° 45' W along the West right-of-way line of above said road for a distance of 207.4 feet to a point on the West right-of-way line of Alabama State Highway No. 52, thence running N 30° 47' W for a distance of 181.05 feet to a point, thence running N 24° 0' E for a distance of 46.12 feet to the Southwest corner of above said one acre tract, thence running S 79° 30' E along the South line of the above said one acre tract for a distance of 210 feet to the point of beginning, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and all land lying and being in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ that lies East of the old Geneva-Hartford Highway and West of Highway No. 52, less and except one-half acre, more or less, in Southwest corner owned by J. C. Martin estate, Section 21, Township 1 North, Range 22 East, all lands lying Northwest of State Highway No. 52 in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, Township 1, Range 22 East that lies West of Baker Branch, all lands embraced in Eunola Heights Subdivision lying and being in SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ in Section 21, Township 1 North, Range 22 East and as shown by Map and Plat recorded in the Office of the Judge of Probate of Geneva County, Alabama, in Plat Book at Page 70, all land lying North of Highway No. 52 and East of Choctawhatchie River in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$

of NW $\frac{1}{4}$, Section 21, Township 1 North, Range 22 East, Geneva County, Alabama.

Section 2. All pasture and farm land embraced within the boundaries of the City of Geneva, as set out in Section one above, but which was not a part of the City of Geneva prior to the passage of this Act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Geneva, Alabama.

Section 3. Any area which is located within the boundaries of the City of Geneva, as set out in Section one above, but which was not part of the City of Geneva prior to the passage of this Act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Geneva, until the City of Geneva, through itself, or through any board whose members are appointed by the City of Geneva, shall make available to said area and the residents thereof the following municipal services: police protection, fire protection, street lighting and water service.

Section 4. The City Council of the City of Geneva, each year when it adopts an ordinance assessing real property within the City of Geneva for ad valorem taxation shall describe in said ordinance the area which has previously been subject to the City's ad valorem taxation, and shall describe in addition thereto such other areas within the boundaries as set out in Section one above in which the City of Geneva has made available all of the above required services during the year for which said ad valorem tax is being levied; and said ordinance shall also describe the areas within the City of Geneva where all of said services have not been made available and shall exempt such areas from City ad valorem taxation for said year.

Section 5. All laws or parts of law in conflict with this Act are hereby repealed.

Section 6. Should any section, provision or part of this Act be declared unconstitutional or void by any Court of competent jurisdiction, it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 7. This Act shall become effective immediately upon its passage, or approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:01 A.M.

Act No. 500

H. 739—Steagall.

AN ACT

To regulate the compensation and allowances of members of the board of education of Dale County and provide for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county board of education of Dale County shall receive a salary from the public school funds of the county in the amount of \$50 a month and his actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved August 22, 1961

Time: 10:02 A.M.

Act No. 501

H. 574—Hankins.

AN ACT

To regulate further the duties and compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 13,700 nor more than 14,300, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 13,700 nor more than 14,300, according to the 1960 or any subsequent federal decennial census.

Section 2. In addition to all other duties now imposed upon them by law, the members of courts of county commissioners, boards of revenue or like governing bodies of all counties within the scope of this Act shall:

(a) The court of county commissioners, board of revenue or like governing body of each such county shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by the county governing body, and at such other times as are now provided by law.

(b) Each member of the court of county commissioners, board of revenue or like governing body of each such county shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body in-

formed as to the condition of the public roads and bridges in his district.

(c) Each member of the court of county commissioners, board of revenue or like governing body of each such county shall perform such duties in connection with the construction and maintenance of public roads and bridges in his county as may be assigned to him, from time to time, by the governing body, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed in regard to same; provided, however, that each member shall be furnished, at the expense of the county, a pick-up truck to be used by him in the performance of his duties.

Section 3. The members of the courts of county commissioners, boards of revenue or like governing bodies of all counties within the scope of this Act shall receive compensation, for the performance of all duties now imposed upon them by law, in an amount to be determined by the county governing body, which amount shall be fixed at not less than one thousand eight hundred dollars (\$1,800) nor more than four thousand two hundred dollars (\$4,200) per annum.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:04 A.M.

Act No. 502

H. 745—Edwards, Locke, Perry, Hawkins, Sessions, Rast, Morrow, Martin, Ramey, Pruitt, Ferguson, Speaks, Cabiness, Hain, Goodwyn, Thomas, Lee, Smith (Russell), Rozelle, Jones (Covington), Jones (Monroe), Beville, Solomon, Salter, Nettles, Merrill, Cornett.

AN ACT

To further preserve the peace.

Be It Enacted by the Legislature of Alabama:

Section 1. Whoever, after having done anything to induce the assembling of a crowd, or, after having given or knowingly

permitted to be given notice or public knowledge that he, or any other person, would, at a time or place certain in this State, do, aid, or assist in doing any act or make any gestures or communications which are calculated to or will probably so outrage the sense of decency and morals or so violate or transgress the customs, pattern of life and habits of the people of Alabama as to be likely to cause a riot or breach of the peace at such time or place, and does in fact do or aid or assist in doing any such act, or gestures, or communications, shall be guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding three hundred dollars and may also be imprisoned for a period of not exceeding six months.

Section 2. Whoever shall aid or abet in the commission of the crime of inciting to riot as defined in Section 1 of this Act shall be punished as a principal.

Section 3. This Act shall become effective upon its signature by the Governor or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:05 A.M.

Act No. 503

H. 905—Cornett, Smith (Russell)
AN ACT

To regulate the compensation of deputies to the sheriff in all counties having populations of not less than 45,575 nor more than 46,500, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of the State of Alabama having populations of not less than 45,575 nor more than 46,500 inhabitants, according to the 1960 or any subsequent federal decennial census, the court of county commissioners, board of revenue or like county governing body shall pay to the chief deputy sheriff from the county treasury a salary of not less than three hundred fifty nor more than four hundred dollars per month.

Section 2. The court of county commissioners, board of revenue or like governing body of such counties shall pay from the county treasury to each of the sheriff's deputies whose compensation is payable by the county a salary of not less than two hundred thirty-five nor more than three hundred dollars per month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:06 A.M.

Act No. 504

H. 911—Rozelle.

AN ACT

To repeal Act No. 263, H. 387, approved August 16, 1957, entitled, "An Act to provide further for the operation of the county boards of equalization of all counties having a population of not less than 31,500 nor more than 35,000 inhabitants, according to the last or any subsequent federal decennial census; prescribing the compensation and expense allowance of the members of such boards, providing for the payment thereof" (Acts of Alabama 1957, vol. I, p. 338).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 263, H. 387, approved August 16, 1957, entitled, "An Act to provide further for the operation of the county boards of equalization of all counties having a population of not less than 31,500 nor more than 35,000 inhabitants, according to the last or any subsequent federal decennial census; prescribing the compensation and expense allowance of the members of such boards, providing for the payment thereof," (Acts of Alabama 1957, vol. I, p. 338) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 22, 1961

Time: 10:07 A.M.

Act No. 505

H. 926—Cabiness, Gross.

AN ACT

For the relief of C. F. Simmons, former Sheriff of Jackson County, Alabama, to authorize the said C. F. Simmons to re-register existing claims against the Jackson County fine and forfeiture fund.

WHEREAS, by Act of the Legislature of Alabama No. 459, Regular Session, 1955, there was created The Jackson County Fine and Forfeiture Fund, which Act provided that all existing claims against The Jackson County Court Fine and Forfeiture Fund and the general fine and forfeiture fund be re-registered within ninety (90) days of the effective date of said Act, viz: Sept. 9, 1955, and

WHEREAS, the said C. F. Simmons was then the owner of claims against said fine and forfeiture funds aggregating the sum of EIGHT HUNDRED FIFTY ONE & 50/100 (\$851.50) DOLLARS, and

WHEREAS, said claims had been placed as security for a loan of money by said C. F. Simmons and said claims were lost or misplaced by the institution with which they had been placed as security, thereby preventing the said C. F. Simmons from re-registering said claims within the ninety day period provided in said Act, and

WHEREAS, said claims have now been found and have been delivered to C. F. Simmons, the owner:

Be It Enacted by the Legislature of Alabama:

Section 1. That C. F. Simmons is hereby authorized to re-register the existing claims which he owns against the Jackson County Court Fine and Forfeiture Fund and the General Fine and Forfeiture Fund of Jackson County, against the Jackson County Fine and Forfeiture Fund within sixty (60) days from the effective date of this Act.

Section 2. That after said claims are re-registered, the custodian of said fund is authorized and directed to pay said claims to the owner, C. F. Simmons.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:10 A.M.

Act No. 506

H. 930—Hankins.

AN ACT

To prescribe the salary and manner of payment thereof of certain deputies sheriff in all counties having populations of not less than 13,650 nor more than 14,350 according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 13,650 nor more than 14,350 according to the 1960 or any subsequent federal decennial census.

Section 2. The annual salary of the chief deputy sheriff of such county shall be not less than three thousand dollars nor more than three thousand six hundred dollars, to be fixed by the court of county commissioners, board of revenue or other like governing body of the county, and payable in twelve equal monthly installments in whole or part from the county public highway and traffic fund.

Section 3. The annual salary of any deputy sheriff whose compensation is payable by such county, other than chief deputy,

shall be not less than two thousand four hundred dollars nor more than three thousand dollars to be fixed by the court of county commissioners, board of revenue or other like governing body of the county and payable in twelve equal monthly installments in whole or part from the county public highway and traffic fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, special, or local, in conflict herewith are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:11 A.M.

Act No. 507

H. 931—Hankins.

AN ACT

To fix the compensation of the county superintendent of education in all counties having a population of not more than 14,350 nor less than 13,650, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of all counties having a population of not more than 14,350 nor less than 13,650, according to the 1960 or any subsequent federal decennial census, shall be entitled to receive an annual salary of five thousand four hundred dollars (\$5,400), to be paid from the public school funds of the county, to be paid in twelve equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:12 A.M.

Act No. 508

H. 965—Jones (Monroe).

AN ACT

To provide additional revenue for educational purposes in Monroe County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) If approved by a majority of the qualified voters of Monroe County who vote thereon at the referendum election provided for in subsection (b), the court of county commissioners, board of revenue, or like governing body of said county may adopt an order, ordinance, or resolution levying special county taxes, for educational purposes, to parallel state sales and use taxes, in the manner and at the rates prescribed in this Act.

(b) The court of county commissioners, board of revenue, or like governing body of Monroe County shall call and provide for holding an election for the purpose of determining whether or not such special county taxes shall be levied and imposed as provided in this Act. Notice of the election shall be given not more than 45 nor less than 30 days before the date set for the election, by publication in a newspaper published in the county once a week for four successive weeks. The election shall be held on the same day as the next primary, general, or special election that is held in the county following the effective date of this enactment. The election shall be held and conducted in the manner provided by law for holding other county elections, and the cost of the election, including the cost of publishing the notice, shall be paid by the county. The question to be voted on shall be stated on the ballots substantially as follows: "Do you favor a one-cent county sales tax for schools?"

Section 2. (a) The special county taxes levied pursuant to this Act shall be privilege license and excise taxes in substance as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Monroe County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where

a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Monroe County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Monroe County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Monroe County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Monroe County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax may be imposed on—

The storage, use, or other consumption in Monroe County of tangible personal property purchased at retail, for storage, use or other consumption in Monroe County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Monroe County or in this state, except as provided in paragraphs a and b below; and

a. The storage, use, or other consumption in Monroe County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail for storage, use, or other consumption in Monroe County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

b. The storage, use, or other consumption in Monroe County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail for storage, use, or other consumption in Monroe County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

(b) There shall be exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there shall also be exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Monroe County tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in Monroe County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Act No. 100, H. 94,

approved August 18, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100 heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100, and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act No. 100 and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

Section 3. Unless otherwise expressly provided for in any order, ordinance, or resolution levying the taxes herein authorized, such taxes shall become effective on the first day of the second month next following the date of the order, ordinance, or resolution; provided, notice of the adoption of such an order, ordinance, or resolution must be given to the commissioner of the state department of revenue not less than 45 days before the taxes are to become effective. The taxes levied and imposed shall be in addition to all other taxes now provided by law and shall be collected as hereinafter provided.

Section 4. The sales tax levied pursuant to Section 2 shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues; the use tax levied pursuant to Section 2 shall be due and payable quarterly on or before the 20th day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable, each such quarterly period to end on the last day of each of the months of March, June, September and December. All taxes levied pursuant to this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other

items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Monroe County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Monroe County (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Monroe County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Monroe County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Monroe County in a business subject to the taxes levied pursuant to Section 2 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed pursuant to this Act shall constitute a debt due Monroe County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied, and the state department of revenue, for the use and benefit of Monroe County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving the Act: and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Monroe County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports, or otherwise comply with the

states sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 2 hereof, shall apply to the county tax levied; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable to this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Monroe County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed two percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Monroe County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Monroe County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Monroe County during each month, the commissioner may deduct from the taxes collected

in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Monroe County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Monroe County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The proceeds of the taxes levied pursuant to this Act shall be apportioned and used by the county board of education to insure a nine months school term for the county.

Section 10. Any tax levied pursuant to this Act shall expire December 31, 1971 unless the present state sales tax is increased as much as one percent, in which event the tax hereby authorized shall cease on the date such increase in the state sales tax becomes effective.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:13 A.M.

Act No. 509

H. 997—Torbert.

AN ACT

To repeal Act No. 48, H. 62, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation," (Acts of Alabama 1955, vol. I, p. 158).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 48, H. 62, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of

not less than 47,500 nor more than 52,500, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation," (Acts of Alabama 1955, vol. I, p. 158) is hereby expressly repealed.

Section 2. This Act shall take effect October 1, 1961.

Approved August 22, 1961

Time: 10:15 A.M.

Act No. 510

H. 998—Torbert.

AN ACT

To repeal Act No. 165, H. 30, approved June 29, 1951, entitled, "An Act to provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 47,000 nor more than 51,000 according to the most recent federal census, making the Act retroactive" (Acts of Alabama 1951, vol. 1, p. 403).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 165, H. 30, approved June 29, 1951, entitled, "An Act to provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 47,000 nor more than 51,000 according to the most recent federal census, making the Act retroactive," (Acts of Alabama 1951, vol. 1, p. 403) is hereby expressly repealed.

Section 2. This Act shall take effect October 1, 1961.

Approved August 22, 1961

Time: 10:16 A.M.

Act No. 511

H. 999—Torbert.

AN ACT

To repeal Act No. 446, H. 935, approved November 13, 1959, entitled "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1140).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of

all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census," (Acts of Alabama 1959, vol. II, p. 1140) is hereby expressly repealed.

Section 2. This Act shall take effect October 1, 1961.

Approved August 22, 1961

Time: 10:16 A.M.

Act No. 512

H. 1000—Torbert.

AN ACT

To repeal Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid" (Acts of Alabama 1955, vol. I, p. 157).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid," (Acts of Alabama 1955, vol. I, p. 157) is hereby expressly repealed.

Section 2. This Act shall take effect October 1, 1961.

Approved August 22, 1961

Time: 10:17 A.M.

Act No. 513

H. 1006—Roberts

AN ACT

For the relief of Donnie C. Watts, Box 55, Blanche, Tennessee; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Donnie C. Watts for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County, is

hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated the sum of three hundred dollars (\$300.00) for the relief of Donnie C. Watts, Box 55, Blanche, Tennessee, to compensate him for damages sustained as a result of a motor vehicle accident involving a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said Donnie C. Watts has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:18 A.M.

Act No. 514

H. 1007—Roberts.

AN ACT

Relating to Madison County; authorizing the county governing body to offer rewards for information leading to the arrest and conviction of any person, firm or corporation violating any law prohibiting the dumping of garbage, litter or trash.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners or other like governing body of Madison County may offer and publicize such offer of a reward, payable out of the county treasury, to any person who shall give information leading to the arrest and conviction of any person, firm, or corporation violating any law which prohibits the dumping of garbage, litter or trash. The county governing body is authorized to prescribe the amount of the reward and the conditions under which such payment will be made.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:19 A.M.

Act No. 515

H. 1009—Copeland, Hanby.

AN ACT

To permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than one million dollars and situated in counties having populations according to the 1960 or any subsequent decennial census of the United States of not less than 100,000 inhabitants nor more than 160,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in, and only in, counties having populations of not less than 100,000 inhabitants nor more than 160,000 inhabitants, according to the 1960 or any subsequent decennial census of the United States.

Section 2. Any bank, whether incorporated or unincorporated, within this State, now or hereafter having a combined paid-in capital and paid-in or earned surplus of at least one million dollars and situated in such county, shall have the power to establish, maintain, and operate within the limits of any such county, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the State Superintendent of Banks.

Section 3. All laws and parts of laws in conflict with the provisions of this act be, and the same, hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:19 A.M.

Act No. 516

H. 1025—Goodwyn, Pierce, Goldthwaite, Bailey.

AN ACT

To provide that in each county of the State of Alabama having not less than 150,000 nor more than 300,000 population according to the last or any subsequent federal census in equity suits the depositions of

witnesses or parties upon oral examination for discovery or for use as evidence may be taken as provided in Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.); to provide that in each such county in equity suits the scope of the examination, the use of such depositions, the effect of using such depositions, the method of compelling the attendance of the person sought to be examined and the penalties for the failure of such person to appear for such examination, shall be the same as provided for by said Act No. 375 of the Legislature of Alabama of 1955; to provide that the provisions of this Act shall apply to future suits and pending suits in any such county and also to depositions heretofore taken in pending suits, provided the party or parties taking such depositions in taking the same proceeded under said Act No. 375 of the Legislature of Alabama of 1955; and to provide that the provisions of any law or rule of court in conflict with the provisions of this Act shall be repealed to the extent of such conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to each county of the State of Alabama having a population of not less than 150,000 nor more than 300,000 according to the last or any subsequent federal census. The word "county" as used in this Act shall apply to any county having such population according to the last or any subsequent federal census and to no other county.

Section 2. In any equity suit in the county, whether such suit be pending at the time of the adoption of this Act or be thereafter filed, any party may take the deposition of any person, including a party, by deposition upon oral examination for the purpose of discovery, or for use as evidence, in the suit, or for both purposes, in the manner, upon the terms and conditions prescribed by Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.), hereinafter referred to as Act No. 375.

Section 3. The scope of the examination and cross-examination shall be the same as that provided for in Act No. 375.

Section 4, entitled "USE OF DEPOSITIONS".

Section 5, entitled "OBJECTIONS TO ADMISSIBILITY".

Section 6, entitled "EFFECT OF TAKING OR USING DEPOSITIONS".

Section 7, entitled "NOTICE OF EXAMINATION: TIME AND PLACE".

Section 8, entitled "STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS".

Section 9, entitled "ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS".

Section 10, entitled "MOTION TO TERMINATE OR TO LIMIT EXAMINATION".

Section 11, entitled "RECORD OF EXAMINATION; OBJECTIONS".

Section 12, entitled "PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN".

Section 13, entitled "SUBMISSION TO WITNESS; CHANGES; SIGNING".

Section 14, entitled "CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING".

Section 15, entitled "FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES".

Section 16, entitled "EFFECT OF ERRORS AND IRREGULARITIES IN DEPOSITIONS".

Section 17, entitled "REFUSAL TO ANSWER".

(b) The word "judgment" as used in any of the sections of Act No. 375 shall include decree or order; and the word "clerk" as used in any of the sections of Act No. 375 shall include "register".

Section 4. (a) This Act shall apply to suits pending at the time of the adoption of the Act and to suits thereafter filed.

(b) If any party to any suit pending when this Act is adopted has theretofore taken any deposition or depositions in such suit and in taking such deposition or depositions has conformed to, or complied with, the provisions of Act No. 375 governing the taking of depositions in actions at law, then this Act shall apply to such deposition or depositions and to the use and consideration thereof in the said suit; and if such pending suit is submitted to the Court prior to the adoption of this Act and any such deposition or depositions taken as aforesaid has been offered in evidence by either party to the suit prior to the said submission, the Court having the said suit on submission shall accord the said deposition or depositions the same consideration and effect as if this Act had been in effect at the time of the submission of said suit.

Section 5. The provisions of any law or rule of Court in conflict with the provisions of this Act shall be repealed to the extent, but only to the extent, of such conflict.

Section 6. The provisions of this Act are in addition to any other provisions relating to the taking of depositions or discovery depositions of witnesses or parties and the provisions of this Act are cumulative.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:20 A.M.

Act No. 517

H. 1029—Adams.

AN ACT

To repeal Act No. 37, H. 32, approved February 19, 1959, entitled, "An Act relating to counties which have a population of not less than 49,500 nor more than 54,000 inhabitants, according to the last or any subsequent federal decennial census, and which have a county or inferior court on which has been conferred jurisdiction concurrent with the circuit in equity and civil matters; providing for the compensation of the court reporter of the county court of such counties" (Acts of Alabama 1959, vol. I, p. 75).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 37, H. 32, approved February 19, 1959, entitled, "An Act relating to counties which have a population of not less than 49,500 nor more than 54,000 inhabitants, according to the last or any subsequent federal decennial census, and which have a county or inferior court on which has been conferred jurisdiction concurrent with the circuit in equity and civil matters; providing for the compensation of the court reporter of the county court of such counties," (Acts of Alabama 1959, vol. I, p. 75) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 22, 1961
Time: 10:21 A.M.

Act No. 518

H. 1030—Adams.

AN ACT

To repeal Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1140).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census," (Acts of Alabama 1959, vol. II, p. 1140) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 22, 1961

Time: 10:22 A.M.

Act No. 519

S. 335—Archer.

AN ACT

To authorize the court of county commissioners, board of revenue, or other like governing body of Madison County to provide additional funds to the probate judge for clerical help and assistance for the current year.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Madison County may, in its discretion, allow and pay to the probate judge of the county during the fiscal year ending September 30, 1961, for additional clerical help and assistance employed during the current year, a sum not to exceed seven thousand five hundred dollars. The allowance provided for in this Act shall be in addition to the allowance for compensation of clerks and assistance as provided in Act No. 501, S. 399, Regular Session 1957, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961

Time: 10:34 A.M.

Act No. 520

S. 351—Clark.

AN ACT

To repeal Act No. 255, S. 317, approved July 19, 1951 entitled "An Act To authorize the county governing body of any county having a population of not less than 28,000 and not more than 42,000 inhabitants according to the 1950 census, and two courthouses, and the county gov-

erning body of such county is a board of revenue, to provide compensation for a deputy sheriff in addition to the chief deputy provided by law." (Acts of Alabama 1950-1951, vol. I, p. 537).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 255, S. 317, approved July 19, 1951 entitled "An Act To authorize the county governing body of any county having a population of not less than 28,000 and not more than 42 000 inhabitants according to the 1950 census, and two courthouses, and the county governing body of such county is a board of revenue, to provide compensation for a deputy sheriff in addition to the chief deputy provided by law" (Acts of Alabama 1950-1951, vol. I, p. 537) is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 22, 1961

Time: 10:30 A.M.

Act No. 521

S. 352—Clark.

AN ACT

To amend further Section 257 of Title 13, Code of Alabama 1940, which fixes the compensation of deputy solicitors in certain counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 257 of Title 13, Code of Alabama 1940, as amended is amended further to read as follows:

"Section 257. Unless otherwise provided by a local law, the deputy solicitor of the county shall be paid by the county an annual salary of twelve hundred dollars, on the warrant of the probate judge, which salary shall be in lieu of all fees or compensation heretofore allowed by law to such deputy solicitor; provided, that in each county where a circuit or county court is held at more than one place in the county, the deputy solicitor shall receive an annual salary of fifteen hundred dollars; provided further, that in Macon, Marengo, Elmore, Coffee, Covington, Chambers, DeKalb, Colbert, Dallas, and Morgan counties, the deputy solicitor shall be paid by the county an annual salary of eighteen hundred dollars; in Etowah, Tuscaloosa, and Winston counties the deputy solicitor shall be paid by the county an annual salary of three thousand dollars, and in Barbour County the deputy solicitor may be paid by the county an annual salary not to exceed three thousand six hundred dollars (\$3,600), said salary to be fixed by the board of revenue, court of county commissioners, or other like county governing body."

Section 2. This Act shall become effective August 1, 1961.

Approved August 22, 1961

Time: 10:31 A.M.

Act No. 522

S. 353—Clark.

AN ACT

To repeal Act No. 256, S. 318, approved July 19, 1951, entitled "An Act Authorizing the governing body of any county having a population of not less than 28,000, and not more than 42,000 inhabitants and two courthouses, and the county governing body of such county is a board of revenue, to authorize the circuit clerk to appoint an additional deputy, whose salary shall be paid by the county." (Acts of Alabama 1950-1951, vol. I, p. 538).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 256, S. 318, approved July 19, 1951, entitled "An Act Authorizing the governing body of any county having a population of not less than 28,000, and not more than 42,000 inhabitants and two courthouses, and the county governing body of such county is a board of revenue, to authorize the circuit clerk to appoint an additional deputy, whose salary shall be paid by the county" (Acts of Alabama 1950-1951, vol. I, p. 538) is hereby repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 22, 1961

Time: 10:33 A.M.

Act No. 523

S. 354—Clark.

AN ACT

Authorizing the governing body of any county having a population of not less than 20,000, and not more than 25,000 inhabitants and two courthouses, and the county governing body of such county is a board of revenue, to authorize the circuit clerk to appoint an additional deputy, whose salary shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of any county of the State which has a population of not less than twenty thousand (20,000) and not more than twenty-five thousand (25,000) inhabitants, according to the last or any subsequent federal census, if there are two courthouses within the county, and the county governing body of such county is a board of revenue, may authorize the circuit clerk to appoint a deputy clerk, in addition to the deputies now provided by law, whose salary, not to exceed one thousand eight hundred dollars (\$1,800) per annum, shall be paid by the county.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 22, 1961

Time: 10:35 A.M.

Act No. 524

S. 355—Clark.

AN ACT

To authorize the county governing body of any county having a population of not less than 20,000 and not more than 25,000 inhabitants according to the 1960 census, and two courthouses, and the county governing body of such county is a board of revenue, to provide compensation for a deputy sheriff in addition to the chief deputy provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than twenty thousand (20,000) and not more than twenty-five thousand (25,000) inhabitants, according to the 1960 census, the county governing body may, if there are two courthouses within the county, and the county governing body of such county is a board of revenue, provide for paying out of the general fund of the county the salary of a deputy sheriff in addition to the chief deputy authorized by law; provided, however, such salary shall not be in excess of three thousand dollars (\$3,000) per annum.

Section 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective August 1, 1961.

Approved August 22, 1961

Time: 10:36 A.M.

Act No. 525

S. 356—Clark.

AN ACT

To provide further for the compensation of the members of the county governing body in all counties having a population of not less than 24,600 nor more than 25,300, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 24,600 nor more than 25,300 according to the last or any subsequent federal decennial census, the members of the county governing body shall be entitled, at their option, to a salary of one hundred dollars (\$100) per month in addition to that already provided by law. Such salary shall be paid as other salaries of the county are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:38 A.M.

Act No. 526

S. 553—Wyatt.

AN ACT

Relating to consolidation of certain schools in counties having populations of not less than 24,800 nor more than 25,400; providing for and requiring referendums on such questions.

Be It Enacted by the Legislature of Alabama:

Section 1. Before consolidating two or more county high schools into one high school in any county having a population of not less than 24,800 nor more than 25,400, according to the most recent federal decennial census, the county board of education shall cause the question to be submitted to a vote of the qualified electors of the county. The county board of education shall be bound by the results of the referendum. If a majority of the votes cast in such a referendum are in opposition to the proposal, the board of education shall not have the power or authority to effectuate the proposed consolidation; but subsequent referendums may be held on the same question at intervals of not less than two years.

Section 2. The referendum elections required by this Act shall be called, held, and conducted, as nearly as may be, in accordance with general laws governing elections on the question of levying special school district taxes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1961
Time: 10:40 A.M.

Act No. 527

H. 104—Branyon.

AN ACT

To provide expense allowances for members of the board of revenue, court of county commissioners, or other like county governing body of all counties having a population of not less than 15,500 nor more than 16,300, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Revenue, Court of County Commissioners, or other like governing body of any county having a population of not less than 15,500 nor more than 16,300, according to the last or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury, an amount not less than seventy-five dollars, nor more than one hundred seventy-five dollars per month, at the discretion of said board of revenue, court of county commissioners, or other like governing body of the county, on warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This Act shall take effect August 1, 1961.

Approved August 23, 1961

Time: 9:15 A.M.

Act No. 528

H. 105—Branyon.

AN ACT

To repeal Act No. 28, S. 103, approved June 4, 1959, entitled, "An Act to provide expense allowances for members of the board of revenue, court of county commissioners, or other like county governing body of all counties having a population of not less than 19,200 nor more than 20,000, according to the last or any subsequent federal decennial census," (Acts of Alabama 1959, vol. I, p. 432).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 28, S. 103, approved June 5, 1959, entitled, "An Act to provide expense allowances for members of the board of revenue, court of county commissioners, or other like county governing body of all counties having a population of not less than 19,200 nor more than 20,000, according to the last or any subsequent federal decennial census," (Acts of Alabama 1959, vol. I, p. 432) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 23, 1961

Time: 9:16 A.M.

Act No. 529

H. 110—Branyon.

AN ACT

To repeal Act No. 55, H. 357, approved June 17, 1957, entitled, "An Act to regulate further the duties and compensation of members of the court of county commissioners, board of revenue or like govern-

ing body of all counties having a population of not less than 16,075 nor more than 16,475, according to the last or any subsequent federal decennial census," (Acts of Alabama 1957, vol. I, p. 97).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 55, H. 357, approved June 17, 1957, entitled, "An Act to regulate further the duties and compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 16,075 nor more than 16,475, according to the last or any subsequent federal decennial census," (Acts of Alabama 1957, vol. I, p. 97) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 23, 1961

Time: 9:17 A.M.

Act No. 530

H. 510—Shumate, Bevill.

AN ACT

For the relief of Luther C. Gilbert, granting him a release of any state claim to the mineral in certain lands situated in Tuscaloosa County.

PREAMBLE

WHEREAS A. E. Walker, State Superintendent of Banks, as the liquidating agent for Jefferson County Bank, acquired title to the mineral in certain lands situated in Tuscaloosa County through a foreclosure deed dated June 6, 1916; and

WHEREAS, the Attorney General of Alabama has ruled that "The Superintendent of Banks as a Liquidating Agent is the trustee for creditors; that as such trustee he has only that authority given to him by statute and by court order; that the authority exercised by the Superintendent of Banks as Liquidating Agent ceases upon his discharge; and that the title to the real property like an estate in no way comes or vests in the 'trustee.' All interest in land not conveyed by the Superintendent of Banks as Liquidator of an insolvent corporation upon his discharge becomes the property of the stockholders of the insolvent corporation. It is for these reasons that we insist that the Superintendent of Banks has no authority and should not presume to have any authority to convey any rights, title or interest of any nature whatsoever in any real property not disposed of prior to discharge with the Court's approval during liquidation, or at the time of his discharge by the Court."; and

WHEREAS, Luther C. Gilbert, of Parrish, Walker County, claims to own the mineral rights in said lands under color of title, but has no recourse at law or in equity to perfect his title; and

WHEREAS the State of Alabama claims no proprietary interest in said lands; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The State of Alabama, in consideration of the premises as above stated, releases to Luther C. Gilbert, of Parrish, Walker County, any claim the State has to the mineral in the lands situated in Tuscaloosa County described as the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and West $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 2, Township 18 South, Range 8 West, being the lands described in the foreclosure deed dated June 6, 1916 to A. E. Walker as Superintendent of Banks of the State of Alabama, as recorded in the office of the Judge of Probate of Tuscaloosa County.

Section 2. The State Superintendent of Banks, in consideration of the sum of twenty-five dollars to him in hand paid by the said Luther C. Gilbert, which shall be deposited in the state treasury to the credit of the general fund, is directed to execute a release in favor of the said Luther C. Gilbert, of any claim he has to the mineral in the lands described in Section 1.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:18 A.M.

Act No. 531

H. 568—Branyon.

AN ACT

To regulate further payment of compensation to deputy sheriffs by all counties having populations of not less than 15,500 nor more than 16,200, according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue, or other like governing body of any such county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 15,500 nor more than 16,200, according to the 1960 or any subsequent federal decennial census,

may, in its discretion, provide for payment of the compensation of the chief deputy sheriff of the county and any other deputy sheriffs whose compensation is paid by the county according to law, in whole or in part from the county public highway and traffic fund, it being the duty of the chief deputy sheriff and other deputy sheriffs to enforce state traffic and motor vehicle laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:19 A.M.

Act No. 532

H. 803—Oden.

AN ACT

To repeal Act No. 302, H. 833, Regular Session 1955, entitled "An Act to authorize all cities or towns in the State of Alabama having a population of 6500 and not more than 6900 according to the last or any subsequent Federal census to provide for the designation of the members of the governing body of all such cities; to provide that in all general elections for the election of members of the governing body in such cities, each such position shall be filled and shall be designated separately and shall appear separately on all ballots in such election; to provide that each candidate for election in such election shall designate the position to which he is seeking election; to provide that a certificate of election shall only be given to the candidate who receives a majority of the votes cast for his office; to provide that if no candidate receives a majority of the votes for any office of such cities a new election shall be held at which election the two candidates receiving the highest number of votes in the first election for such office shall run, and that the candidate receiving the highest number of votes in the run-off election shall be elected; to provide the manner in which either of the candidates receiving the highest number of votes in an election in which no candidate receives a majority of the votes cast shall decline to run for said office; to provide that the governing body of such cities shall decide the successful candidate in the event of a tie vote in a run-off election; to provide that except as otherwise provided all elections held under the terms of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the Mayor-Council form of government; and to provide that all laws or parts of laws in conflict with this act are repealed," (Acts of Alabama 1955, vol. I, pp. 699-702).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 302, H. 833, Regular Session 1955, entitled "An Act to authorize all cities or towns in the State of Alabama having a population of 6500 and not more than 6900 according to the last or any subsequent Federal census to pro-

vide for the designation of the members of the governing body of all such cities; to provide that in all general elections for the election of members of the governing body in such cities, each such position shall be filled and shall be designated separately and shall appear separately on all ballots in such election; to provide that each candidate for election in such election shall designate the position to which he is seeking election; to provide that a certificate of election shall only be given to the candidate who receives a majority of the votes cast for his office; to provide that if no candidate receives a majority of the votes for any office of such cities a new election shall be held at which election the two candidates receiving the highest number of votes in the first election for such office shall run, and that the candidate receiving the highest number of votes in the run-off election shall be elected; to provide the manner in which either of the candidates receiving the highest number of votes in an election in which no candidate receives a majority of the votes cast shall decline to run for said office; to provide that the governing body of such cities shall decide the successful candidate in the event of a tie vote in a run-off election; to provide that except as otherwise provided all elections held under the terms of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the Mayor-Council form of government; and to provide that all laws or parts of laws in conflict with this act are repealed," (Acts of Alabama 1955, vol. I, pp. 699-702), and all acts amendatory thereof are hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 23, 1961

Time: 9:20 A.M.

Act No. 533

H. 949—Dodd.

AN ACT

For the relief of A. L. Gordon; authorizing the board of revenue, court of county commissioners, or other like governing body of Lawrence County to appropriate county funds for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Lawrence County is hereby authorized to appropriate from any funds in the county treasury not otherwise appropriated a sum not exceeding \$3,195, for the relief of A. L. Gordon. to compensate the said Gordon for injuries and damage sustained and hospital and medical expenses incurred as a result of a motor vehicle accident involv-

ing a county truck, which accident occurred under such circumstances that the county is morally and justly obligated to respond in damages.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:21 A.M.

Act No. 534

H. 959—Nichols, Camp.

AN ACT

To amend further an act approved February 18, 1927, entitled "An Act to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Talladega County, Alabama, and supervising the construction, maintenance and upkeep of the roads and bridges in his district and to fix the salary and compensation of said commissioners (Act No. 62, H. 181, Local Acts 1927, P. 25).

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 62, H. 181, Regular Session 1927, an act providing additional duties and conferring additional powers on members of the court of county commissioners of Talladega County and fixing their salaries and compensation (Local Acts 1927, p. 25), as amended, is amended further to read as follows:

"Section 2. Each member of the Court of County Commissioners of Talladega County, except the probate judge, on presentation to the Court of County Commissioners of a monthly written report, which report shall show road inspections and due diligence on the part of such commissioner in the performance of his duties, a monthly salary of one hundred fifty dollars (\$150), beginning on the first Monday after the second Tuesday in January 1959, which shall be in lieu of all fees and compensation allowed by law to such commissioner for services rendered in and about such commissioners court, including the work required as members of the Board of Review, the payment of such salary to be made out of the county treasury by warrant drawn by the probate judge on the treasury of the county on the first of each month for the preceding month. The probate judge shall receive as compensation for his services as a member of such commissioners court the sum of three dollars (\$3.00) for each day or part of a day which he shall preside over the sessions of said court, said compensation to be paid on the first of each month for the preceding month out of the county treas-

ury by warrant of such judge drawn on the treasury of the county. Each commissioner shall be entitled to expenses in the amount of one hundred fifty dollars per month, and the probate judge shall be entitled to expenses in the amount of three thousand dollars per annum, payable in twelve equal installments. The expenses of the commissioners and of the probate judge shall be payable from the same fund or funds as their salaries, and shall be paid on warrants drawn by the probate judge."

Approved August 23, 1961

Time: 9:22 A.M.

Act No. 535

H. 972—Brewer, Gilchrist.

AN ACT

To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939, an act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office (Local Acts of Alabama 1939, p. 248).

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 361, H. 878, Regular Session 1939, an act fixing the compensation of the tax assessor of Morgan County and providing him clerical assistance (Local Acts of Alabama 1939, p. 248), as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) per annum. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the

Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) per annum."

Approved August 23, 1961
Time: 9:23 A.M.

Act No. 536

H. 973—Brewer, Gilchrist.

AN ACT

To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947, an act providing for the appointment of a deputy register for the circuit court of Morgan County (Local Acts of Alabama 1947, p. 51).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 68, H. 263, Regular Session 1947, an act providing for the appointment of a deputy register for the circuit court of Morgan County (Local Acts of Alabama 1947, p. 51), as amended, is amended further to read as follows:

"Section 1. The register of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy register and a clerical assistant for such courts. The deputy register shall possess all the powers and authority, both ministerial and judicial, not now or hereafter possessed by the register by whom the deputy register is appointed. The compensation of the deputy register and the clerical assistant shall be fixed by the register and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy register and the clerical assistant provided herein shall not exceed four thousand eight hundred dollars (\$4,800.00) per annum."

Approved August 23, 1961
Time: 9:24 A.M.

Act No. 537

H. 974—Brewer, Gilchrist.

AN ACT

To amend Section 11 of the act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act No. 129 of the regular session of the Legislature of Alabama of 1939, (Local Acts 1939, page 70 et seq.), as amended by Act No. 291, Local Acts 1943, page 172, approved June 28, 1943.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of the act of the Legislature of Alabama approved March 9, 1939, by which the Board of Revenue and Control of Morgan County was created, being Act No. 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts 1939, page 70 et seq.), as amended by Act No. 291, Local Acts 1943, page 172, approved June 28, 1943, is hereby amended to read as follows:

"Section 11. Each member of the Board shall have authority in emergencies, and in cases where work on the roads within his district would otherwise be unduly delayed, to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the Board, and without compliance with the provisions of Section 7 of this act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$500.00 in any instance. Each member of the Board shall likewise have authority to have any road machinery or equipment used on the public road within his district repaired without an order of the Board authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any member of the Board to the contrary notwithstanding. Each member of the Board making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor and from whom purchased, and the number of his district, and all such purchase orders shall be numbered consecutively, and one copy thereof shall be delivered to the seller, one forwarded to the Chairman for filing and one retained by the member of the Board issuing the same and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchase order pertaining thereto and all such claims shall be null and void unless such purchase order shall have been duly issued. Any member of the Board causing any road machinery to be repaired shall forthwith forward to the Chairman a written re-

port thereof stating the property to be repaired, the nature of the repairs to be made and the name of the person making the same."

Section 2. This act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:25 A.M.

Act No. 538

H. 975—Brewer, Gilchrist.

AN ACT

To abolish the office of commissioner of public schools of Morgan County and re-establish the office of county superintendent of education; repealing Act No. 88, H. 155, 1st Special Session 1956 and all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of commissioner of public schools of Morgan County created by Act No. 88, H. 155, First Special Session 1956 (Acts of Ala. 1956, pp. 132-134) is hereby abolished and the office of county superintendent of education as provided by general laws is hereby re-established in said county. The incumbent of the office of commissioner of public schools of Morgan County shall be and act as the county superintendent of education of Morgan County until the expiration of the term for which he was elected or appointed as commissioner of public schools.

Section 2. The county superintendent of education of Morgan County shall have and exercise all the rights, powers, and privileges vested by general laws in county superintendents of education, and shall perform the duties prescribed by general laws and possess the qualifications prescribed by such laws. He shall devote full time to the duties of his office and shall receive an annual salary to be fixed by the county board of education and such traveling expenses as may be provided by the county board of education.

Section 3. Act No. 88, H. 155, First Special Session 1956 (Acts of Alabama 1956, pp. 132-134) and all other laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:26 A.M.

Act No. 539

H. 977—Brewer, Gilchrist.

AN ACT

To amend further Section 4 of Act No. 70, H. 336, Regular Session 1943, an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance (Local Acts of Alabama 1943, p. 34).

Be It Enacted by the Legislature of Alabama:

Section 4 of Act No. 70, H. 336, Regular Session 1943, an act which placed the judge of probate of Morgan County on a salary basis and provided him with clerical assistance (Local Acts of Alabama 1943, p. 34), as amended, is amended further to read as follows:

“Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of twenty-five thousand dollars (\$25,000.00) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of twenty-five thousand dollars (\$25,000.00), as conditions and circumstances may warrant.”

Approved August 23, 1961

Time: 9:27 A.M.

Act No. 540

H. 978—Brewer, Gilchrist.

AN ACT

To amend further Section 1 of Act No. 64, H. 259, Regular Session 1947, an act providing for the appointment of a deputy clerk for the circuit court of Morgan County (Local Acts of Alabama 1947, p. 45).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 64, H. 259, Regular Session 1947, an act providing for the appointment of a deputy clerk for the circuit court of Morgan County (Local Acts of Alabama 1947, p. 45), as amended, is amended further to read as follows:

“Section 1. The clerk of the circuit court of Morgan County and of the Morgan County Court of Morgan County shall appoint

a deputy clerk and a clerical assistant for such courts. The deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the circuit clerk by whom the deputy clerk is appointed. The compensation of the deputy clerk and the clerical assistant shall be fixed by the circuit clerk and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy clerk and the clerical assistant provided herein shall not exceed four thousand eight hundred dollars (\$4,800.00) per annum."

Approved August 23, 1961

Time: 9:28 A.M.

Act No. 541

H. 979—Brewer, Gilchrist.

AN ACT

To amend further Section 3 of Act No. 464, H. 875, Regular Session 1939, an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance (Local Acts of Alabama 1939, p. 278).

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 464, H. 875, Regular Session 1939, an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance (Local Acts of Alabama 1939, p. 278), as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed seven thousand five hundred dollars (\$7,500.00) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all neces-

sary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant not to exceed, however, the said sum of seven thousand five hundred dollars (\$7,500.00) per annum."

Approved August 23, 1961
Time: 9:29 A.M.

Act No. 542

H. 980—Brewer, Turner, Gilchrist,
Dodd.

AN ACT

To amend Act No. 477, H. 861, Regular Session 1955 titled "An Act to provide an additional expense allowance for the circuit judges of the Eighth Judicial Circuit; and to provide for the manner of payment of this allowance" (Acts 1955, vol. II, p. 1084).

Be It Enacted by the Legislature of Alabama:

Section 1. of Act No. 477, H. 861, Regular Session 1955 titled "An Act to provide an additional expense allowance for the circuit judges of the Eighth Judicial Circuit; and to provide for the manner of payment of this allowance" (Acts 1955, vol. II, p. 1084) is amended to read as follows:

"Section 1. In addition to all other allowances and compensation provided circuit judges by law, there shall be paid to each circuit judge of the Eighth Judicial Circuit, in equal monthly installments, an allowance of one thousand eight hundred dollars (\$1,800) per annum, for the purpose of defraying the expenses incurred by such judges in the performance of their official duties. The allowance provided for herein shall be paid from the general funds of the counties comprising the circuit, and shall be apportioned equally among such counties, so that each of the counties shall pay an equal amount of the prescribed allowance."

Approved August 23, 1961
Time: 9:30 A.M.

Act No. 543

H. 983—Hawkins, Rast, Sessions, Locke,
Morrow, Edwards, Perry.

AN ACT

To alter and extend the boundaries of the City of Birmingham.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional territory not presently located in said City, to-wit:

A parcel of land in the southeast quarter of the southeast quarter of Section 20, Township 16 South, Range 1 West; and in the northeast quarter of the northeast quarter, and the north west quarter of the northeast quarter, and the southwest quarter of the northeast quarter; and the northwest quarter of the southeast quarter, and the southwest quarter of the southeast quarter, and the southeast quarter of the northwest quarter, and the southwest quarter of the northwest quarter of Section 29, Township 16 South, Range 1 West, and the southwest quarter of the southwest quarter of Section 21, Township 16 South, Range 1 West, Described as follows:

Begin at the southeast corner of Tract 8, Spring Lake Estates First Addition, said corner of said Lot 8 being on the present city limits line of the City of Birmingham, and on the south line of the southwest quarter of the northwest quarter of Section 29, Township 16 South, Range 1 West; thence run east along the south line of the north half of said Section 29 to the northwest line of Lot 26, Block J, Spring Lake Manor; thence run southwest along the northwest lines of Lots 26 through 40 of said Block J to the southwest corner of said Lot 40; thence run southeast along the southwest line of Lot 40 of said Block J and Lot 30 of Block K of said Spring Lake Manor to the southeast corner of said Lot 30; thence run northeast along the southeast line of said Block K to the east line of the northwest quarter of the southeast quarter of said Section 29; thence run north along the east line of said quarter-quarter section and along the east line of the southwest quarter of the northeast quarter of said Section 29 to the southwest corner of the northeast quarter of the northeast quarter of said Section 29; thence run east along the south line of said quarter-quarter section to the east line of said Section 29; thence run north along the east line of said section to the northeast corner of said Section 29, Township 16 South,

Range 1 West; thence east along the south line of the southwest quarter of southwest quarter of Section 21, Township 16 South, Range 1 West, to the southeast corner of the southwest quarter of southwest quarter of Section 21, Township 16 South, Range 1 West; thence north along the east line of said quarter-quarter section to the northeast corner of Lot 35, Block S, Unit 2, Spring Lake Manor; thence west along the north lines of Lots 35 through 16 to the east line of the southeast quarter of southeast quarter of Section 20, Township 16 South, Range 1 West; thence north along the said east line to the northeast corner of said quarter-quarter section; thence run west along the north line of the southeast quarter of the southeast quarter of Section 20, Township 16 South, Range 1 West, to the west line of said quarter-quarter section; thence run south along said west line of said quarter-quarter section and along the west line of the northeast quarter of the northeast quarter of said Section 29 to the north line of Block L, Spring Lake Manor; thence run west along said north line to the present city limits line of the City of Birmingham; thence turn south and proceed along the present city limit line of the City of Birmingham to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved August 23, 1961
Time: 9:31 A.M.

Act No. 544

H. 989—McLendon (Bullock).

AN ACT

To provide further for the operation and maintenance of public high schools and public elementary schools in Bullock County.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Bullock County shall cause to be operated and maintained at least two high schools and at least two elementary schools within the county for the attendance of white pupils, and one such high school and one such elementary school shall be situated in Union Springs and one such high school and one such elementary school shall be located at Inverness.

Section 2. The provisions of this Act are mandatory and all conflicting laws or parts thereof are repealed.

Section 3. The provisions of this Act shall become effective only upon the approval of a majority of the qualified electors of

Bullock County who vote thereon at a referendum election which is ordered to be held on the first Tuesday after the expiration of 20 days from the date of this enactment. The board of revenue, court of county commissioners, or other like governing body of Bullock County shall order and provide for holding a referendum on such date. Notice of the election shall be given by publication once a week for two consecutive weeks in a newspaper published in the county. On the ballots to be used at the election, the question shall be stated substantially as follows: "Do you favor the local law enacted at the 1961 Regular Session of the Legislature requiring the county board of education to maintain two high schools for white pupils in Bullock County?" If a majority of the votes cast in the referendum election are in favor of the proposal, the provisions of this Act shall become operative immediately; however, if the majority do not approve of the proposal, this Act shall have no further effect. The judge of probate of Bullock County shall certify the results of the election to the secretary of state of the State of Alabama and to the state superintendent of education within 30 days after the returns of the election are canvassed.

Approved August 23, 1961
Time: 9:32 A.M.

Act No. 545

H. 1034—Steagall.

AN ACT

To provide for appointment of an additional deputy sheriff of Dale County and for payment of his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Dale County may, with the approval of the court of county commissioners, board of revenue or other like county governing body, appoint an additional deputy whose compensation shall be paid by the county in an amount of not less than \$2400 nor more than \$4000, as determined by the county governing body. The compensation of such deputy may be paid from any funds in the county treasury available for that purpose, including the county highway and traffic fund.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961
Time: 9:33 A.M.

Act No. 546

H. 1035—Steagall.

AN ACT

To provide for the compensation of the county or deputy solicitor of Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or deputy solicitor of Dale County shall be entitled to a salary of two hundred dollars a month, payable from the county treasury at the end of each month, on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective August 1, 1961.

Approved August 23, 1961

Time: 9:34 A.M.

Act No. 547

H. 1036—Salter.

AN ACT

To regulate the purchase of supplies, materials, equipment, and other personal property for or on behalf of Conecuh County or any of its officers, departments, agents, or instrumentalities; providing for competitive bidding on certain purchases and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All purchases of supplies, materials, equipment and other personal property for or on behalf of Conecuh County, or any of its officers, departments, agents, or instrumentalities, shall be made by the Board of Directors or other like governing body of the county, or its duly authorized agent, under such reasonable rules and regulations and procedures as the county governing body may prescribe, and such reasonable accounts, ledgers and journals of the purchases and of the several funds of the county shall be as directed by the county governing body. But written, sealed, competitive bids must be obtained on all proposed purchases or supply contracts when the amount involved is three hundred dollars or more. If the amount of the proposed purchase or supply contract is in excess of three hundred dollars, written notice by registered or certified mail, with return receipt requested, shall be given at least three suppliers. A copy of such notice or notices, together with the return receipts showing their delivery, must be filed in the records of the Board of Directors or other like county governing body. Copies of such notices with return receipts prop-

erly filed as directed shall be considered as evidence of compliance with this section.

Section 2. All bids received on proposed purchases or supply contracts shall be written and sealed and shall be opened publicly at the time and place stated in the invitation to bid. The supply contract or order shall be awarded to the responsible bidder making the lowest and best bid. All bids received, with the names of the bidders, shall be filed with the purchasing records of the Board of Directors or like county governing body. Each bid received and filed must have recorded upon its face whether accepted or rejected with the reasons for the award if not awarded to the lowest bidder. All bids and purchasing records shall be open to public inspection. In the event any equipment or property of the county is to be replaced by a proposed purchase, the invitation to bid must contain an offer to buy with the old or used equipment to be taken in trade. In making purchases for the county, the purchasing agent shall give preference to commodities produced or sold in Conecuh County; and a two per cent differential in price may be allowed resident vendors, provided there is no sacrifice or loss in quality, terms of delivery, or otherwise.

Section 3. The county purchasing agent may obtain information from the Division of Purchases and Stores, State Department of Finance, relative to the items to be purchased, and if the supply contract or proposed purchases can be negotiated at a price equal to or less than the state price, it shall be unnecessary to seek bids as provided in Sections 1 and 2, and the purchase may be made on the basis of the negotiated price. When purchases of supplies, materials, equipment, or other personal property are made under this section, the files of the purchase shall contain evidence verifying the purchase price to be equal to or below the state price.

Section 4. In an emergency a purchase involving more than three hundred dollars may be made without competitive bids and without obtaining information from the Division of Purchases and Stores, State Department of Finance. However, a full written account of the circumstances necessitating any such emergency purchase, together with the statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office with the records of the purchase. Any emergency, as the term is used herein, means a situation where equipment, supplies and materials are needed immediately to place in operating condition the road or bridge system of the county which has become impassable or dan-

gerous due to damage or destruction of existing portions thereof, and the emergency repair or replacement of buildings, such as the court house, jail, or other county owned buildings, utilities and facilities that have been damaged by fire, windstorm, riot, subterfuge, sabotage, war or providential disaster or other disaster. The provisions of this Act regarding competitive bidding and obtaining information from the State Purchasing Agent may be waived also for purchases of perishable commodities, utility services, machinery repairs and parts, and commodities or services for which there is no competitive situation.

Section 5. Whoever purchases or attempts to purchase property for or on account of Conecuh County or any of its offices, departments, agencies, or instrumentalities, or attempts to sell or sells property to Conecuh County or any of its offices, departments, agencies, or instrumentalities, contrary to the provisions of this Act, or whoever violates any provision of this Act, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and in addition may be imprisoned for not more than one year.

Section 6. The Board of Directors or other like county governing body of Conecuh County may employ and fix the compensation of its purchasing agent, provide the purchasing agent with offices, supplies, books, equipment, postage, transportation, assistants necessary for the proper and efficient conduct of his duties.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective on the first of the month following the month during which it is enacted.

Approved August 23, 1961

Time: 9:35 A.M.

Act No. 548

H. 1037—Salter.

AN ACT

To provide expense allowance for members and chairmen of courts of county commissioners, boards of revenue, or other like governing bodies of all counties having populations of not less than 17,400 nor more than 17,800.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or other like governing body of any

county having a population of not less than 17,400 nor more than 17,800, according to the 1960 or any subsequent federal decennial census, shall be entitled to an amount not exceeding \$100 a month as an allowance for expenses; and the chairman or president of such court, board, or body, as the case may be, shall be entitled to an amount not exceeding \$150 a month; *provided*, that the exact amount of such allowances shall be fixed or set only by resolution of the county governing body unanimously approved by all members of the body and the chairman or president. When fixed as herein prescribed, the allowances shall be paid from any funds in the county treasury available for that purpose.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved August 23, 1961
Time: 9:36 A.M.

Act No. 549

H. 1038—Salter.

AN ACT

To provide for paid leaves of absence for employees of Conecuh County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Directors of Conecuh County or other like county governing body is authorized and empowered to provide for the payment of sick leave and vacation leave of absence to every employee whose compensation is paid from the county treasury. Sick leave and vacation leave may accumulate from year to year as directed by the governing body. The county governing body shall make such rules and regulations that are deemed necessary and expedient to provide a fair and equitable scale for payment for sick leave and vacation leave to all of its employees.

Section 2. No leave of absence shall be made to an employee unless application for payment has been made according to the rules and regulations of the county governing body on forms provided for that purpose and the application has been approved by the employee's supervisor.

Section 3. Upon termination of his employment, an employee, or his heirs, assigns, and beneficiaries, must make proper application for earned sick leave or vacation leave of absence within thirty days of the date of termination. After the thirty-day period all rights and claims are forfeited and the former employee's leave accounts shall be cancelled.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:37 A.M.

Act No. 550

H. 1042—Powell, McLendon (Bullock).

AN ACT

Relating to Bullock County; prescribing the times when county offices may be closed.

Be It Enacted by the Legislature of Alabama:

Section 1. The offices of county officers and of other county officials or functionaries that are located in the courthouse or in other buildings used for county offices in Bullock County, other than the sheriff's office, may be closed at noon one day each week or all day one day each week, in addition to Sundays and legal holidays, as the court of county commissioners, board of revenue, or other like county governing body may determine by resolution or ordinance duly adopted.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:38 A.M.

Act No. 551

H. 1044—Shumate, Bevill.

AN ACT

To provide for coverage of certain employees of Walker County under the Unemployment Compensation Act.

Be It Enacted by the Legislature of Alabama:

Section 1. All words and phrases used in this Act shall be given the meaning ascribed to them in the Unemployment Compensation Act (Chapter 4 of Title 26, Code of Alabama, 1940), unless the context hereof plainly shows a different meaning.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Walker County is authorized, directed, and required to cause to be covered under the

Unemployment Compensation Act all employees whose compensation is paid from the county treasury, except elected officials, and all employees of any agency or instrumentality of the county.

Section 3. Walker County shall pay into the unemployment compensation fund an amount equivalent to the amount of benefits paid out to claimants who during the applicable base period were paid wages by such county. If the claimant during such base period was employed both by such county and other employers subject to the provisions of the Unemployment Compensation Act, the amount paid into the fund by such county shall be an amount equal to the amount of benefits paid such claimant in addition to such amount as the claimant was entitled to receive on the basis of wages paid to such claimant by such other employers. The amount of payments required under this section to be made into the fund shall be ascertained by the Director of Industrial Relations as soon as practical after the end of each calendar quarter. The payment by such county into the fund shall be made quarterly or at such times and in such manner as the Director may determine and prescribe. The county governing body shall be required to maintain a record of social security account numbers issued to its employees.

Section 4. Insofar as practical, the provisions of the Unemployment Compensation Act relative to the coverage of employees shall apply to employees of Walker County.

Section 5. The provisions of this Act are supplemental and shall be construed in *pari materia* with the Unemployment Compensation Act for the purpose of providing benefits to employees of Walker County to the same extent as employees of employers to whom the Unemployment Compensation Act applies.

Section 6. This Act shall take effect on the first day of the second month next following the date of its enactment.

Approved August 23, 1961
Time 9:39 A.M.

Act No. 552

H. 1045—Cornett, Smith (Russell).

AN ACT

To provide for establishment and operation of a medical clinic in the municipality of Hurtsboro, Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. The town council or commission of the municipality of Hurtsboro, Russell County, may in its discretion provide for establishment and operation of a public medical clinic

for citizens of the town, and may provide for any and all things necessary thereto, including the construction of a suitable building or buildings with offices, quarters, laboratories and equipment for use by doctors and nurses in the administration and operation of such clinic; and may lease or rent all or any part of any such building or buildings for use by doctors or dentists who are connected with the operation of such clinic.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:40 A.M.

Act No. 553

H. 1046—Bailey, Pierce, Goldthwaite, Goodwyn

AN ACT

To provide for the relief of George W. Dean by Montgomery County.

WHEREAS, on November 18, 1957, a forfeiture in the principal amount of \$300.00 was taken against George W. Dean as surety for the appearance of Richard Thomas to stand trial in the Circuit Court of Montgomery County, the defendant having failed to appear, and such forfeiture was paid on February 12, 1958, and the defendant was later apprehended through his bondsmen and pleaded guilty; and

WHEREAS, on February 24, 1958, a forfeiture in the principal amount of \$250.00 was taken against George W. Dean as surety for the appearance of W. I. Sumners to stand trial in the Circuit Court of Montgomery County, the defendant having failed to appear, and such forfeiture was paid on June 23, 1958, and the defendant was later apprehended through his bondsmen and pleaded guilty; and

WHEREAS, on February 24, 1958, a forfeiture in the principal amount of \$300.00 was taken against George W. Dean as surety for the appearance of George Jefferson to stand trial in the Circuit Court of Montgomery County, the defendant having failed to appear, and such forfeiture was paid on February 24, 1959, and the defendant was later apprehended through his bondsmen and pleaded guilty; and

WHEREAS, on September 22, 1958, a forfeiture in the principal amount of \$300.00 was taken against George W. Dean

as surety for the appearance of P. B. Brewer to stand trial in the Court of Common Pleas of Montgomery County, the defendant having failed to appear, and such forfeiture was paid on November 7, 1958, and the defendant was later apprehended through his bondsmen and pleaded guilty to the offense charged in the indictment, now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Montgomery County is hereby authorized and directed to pay out of the Fine and Forfeiture Fund of the County to George W. Dean the sum of Eleven Hundred Fifty and 00/100ths (\$1,150.00) Dollars as reimbursement in full for the amounts paid by him as forfeitures for the failure of Richard Thomas, W. I. Sumners, George Jefferson and P. B. Brewer to appear to stand trial, all of them having later been apprehended through their bondsmen.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961

Time: 9:41 A.M.

Act No. 554

H. 1052—Nichols, Camp.

AN ACT

To authorize and empower the Board of Revenue, Court of County Commissioners, or the like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistants, equipment and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices and to provide for an effective date upon approval in a county-wide election.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue, Court of County Commissioners, or other like governing body of Talladega County, in its discretion, may provide a branch office in the City of Sylacauga for the use of the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties. The county governing body shall adopt rules and

regulations governing the operation of such branch offices, including the period or periods, of time each year during which any of such branch offices shall remain open and in operation, and shall furnish such office space, clerical assistants, equipment and supplies as may be necessary for the proper and efficient operation of such branch offices. All expenses incurred under the provisions of this act, in the establishment and operation of such branch offices, shall be paid out of the general fund of the county on warrants drawn in the manner prescribed by law.

Section 2. The provisions of this act shall become operative only if approved by a majority of the electors of Talladega County who vote in a referendum election held for that purpose, which shall be held on the date of the first county-wide election held after adjournment of the 1961 Regular Session of the Legislature. The governing body of Talladega County shall order and provide for holding the referendum on such date and for canvassing the results thereof. On the ballots to be used at the election, the question shall be stated substantially as follows:

“Do you favor authorizing the governing body of Talladega County to provide branch offices in the City of Sylacauga for the use of the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, and other officers of Talladega County, in the performance of their duties as provided in an act enacted at the 1961 Regular Session of the Legislature of Alabama?”

If a majority of the votes cast at the election is “Yes”, the provisions of this act shall become operative on the first day of the month next succeeding the month during which the referendum is held. However, if a majority of the votes cast at the election is “No”, this act shall have no further effect. The results of the election shall be certified to the Secretary of State, State of Alabama, and to the Chief Examiner of Public Accounts, Montgomery, Alabama, by the Probate Judge of Talladega County, within ten days after the results of the election have been ascertained.

Approved August 23, 1961
Time: 9:42 A.M.

Act No. 555

H. 1057—Branyon.

AN ACT

To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Berry, Fayette County, under the provisions

of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The department of revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in Berry, Fayette County, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of Berry, Fayette County, and when a certified copy of said ordinance or resolution has been filed with the department of revenue. Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of Berry, Fayette County, or its designated agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the commissioner of revenue to pay into the state treasury all such taxes collected for Berry, Fayette County, under this Act; and on or before the first day of the

following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of Berry, Fayette County, during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue as having been collected for the use of Berry, Fayette County, and paid into the state treasury; and the amount so certified by the commissioner of revenue as having been collected for the use of such town (less expenses) shall be paid to the treasurer or other custodian of funds of Berry, Fayette County. The department of revenue shall charge Berry, Fayette County, for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to Berry, Fayette County, under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the department of revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the department of revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961
Time: 9:43 A.M.

Act No. 556

H. 1059—Thomas, Lee.

AN ACT

To provide for the relief of Charlie Day; authorizing an appropriation from the funds of Barbour County for such purpose.

PREAMBLE

On or about January 5, 1960, a truck owned by Barbour County and operated by an employee of the county ran off the road and into an automobile owned by Charlie Day, R.F.D., Eufaula, Alabama, and parked in his yard thereby causing damage to the automobile, and

Whereas, on or about February 2, 1960, the Board of Revenue of Barbour County investigated this accident and determined that due to the facts and circumstances surrounding it, the county of Barbour was morally obligated to pay for such damages, but was not authorized by law to do so; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue, or other like governing body of Barbour County may appropriate out of the unpledged public funds of the county the sum of \$870.61 to compensate the said Charlie Day for his damages; and when such appropriation is duly made, the officer charged by law with the duty of drawing warrants on the public funds of Barbour County shall draw his warrant in favor of Charlie Day in the amount of \$870.61.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1961
Time: 9:44 A.M.

Act No. 557

H. J. R. 91—Goodwyn, Chambers, Bailey, Pierce, Goldthwaite, Jones, (Monroe), Jones (Covington), McLendon (Bullock), Dickson, Long (Perry), Powell, Faulk, Grouby, Bassett, Thomas, Lee, Barnett, Cornett, Cook, Steagall, McCorquodale, Dunn, Vickers, Torbert, Solomon, Turnham, Rast, Oakley, Nettles, Daniel, Grant, Boyd, Owens, Salter, Brooks, Brannan, Nichols, Adams, Gilmer, Hain, McLendon (Chambers), Reynolds (Chambers).

HOUSE JOINT RESOLUTION

WHEREAS, the Federal Communications Commission proposes to require all television stations in the Montgomery, Alabama, area to operate on the limited coverage UHF (ultra high frequency) band and thus eliminate the area's only wide range VHF (very high frequency) station, WSFA-TV, Channel 12; and

WHEREAS, Channel 12 has a long record of faithful and conscientious service to the people of Central and South Alabama, offering viewers a great variety of programs in the public interest—such as news broadcasts, timely interviews, public information shows and special events—to keep residents of this area continually posted on important news, weather bulletins and issues of the day, including events occurring at the State Capitol; and

WHEREAS, the Federal Communications Commission in 1952 acted in behalf of some 250,000 families of this area in allocating a maximum range VHF channel to Montgomery and Channel 12 has been on the air since 1954 making good use of this channel allocation and as a "trustee" of this channel protecting the right of Central and South Alabama citizens to this VHF television service; and

WHEREAS, some 200,000 homes in this area which presently receive Montgomery-originated television programs stand to lose this service if Channel 12 is abolished and a weak signal UHF station substituted, denying all television to many homes and curtailing service in more than 20 Alabama counties; and

WHEREAS, the removal of Montgomery's only VHF station would deprive many thousands of Central and South Alabama residents of television service from their State Capitol—when every other State Capitol in the United States has high power VHF service—and leave this area to be served by stations at Columbus, Georgia; Albany, Georgia; Panama City, Florida; Pensacola, Florida, and Meridian, Mississippi, all stations which are hardly interested in the affairs of state in Alabama; and

WHEREAS, other television stations of this area are also opposed to the recent proposal of the Federal Communications Commission, viewing this action as detrimental to the established Montgomery area market and contrary to the public interest; and

WHEREAS, the Governor of Alabama, Honorable John Patterson; our United States Senators, Honorable Lister Hill and Honorable John Sparkman, our Congressmen and many others have joined in protesting the unwarranted action of the Federal Communications Commission in proposing to eliminate Montgomery's only VHF outlet:

NOW, THEREFORE, BE IT RESOLVED BY HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature formally go on record to deplore the proposed ruling of the Federal Communications Commission, to urge the Commission to reconsider its action and to strongly recommend that Montgomery remain an outlet for high quality VHF television.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded by the Clerk of the House to the Chairman of the Federal Communications Commission, Honorable Newton Minow, and to each of the Members of the Commission and to the United States Senators and each of the Congressmen from the State of Alabama.

Approved August 23, 1961
Time: 9:45 A.M.

Act No. 558

S. 404—Caffey.

AN ACT

To propose and Amendment to the Constitution of Alabama relating to the levy and collection of special property taxes for public school capital outlay purposes in the County of Mobile, in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved by the qualified electors of the State of Alabama and proclaimed by the Governor as prescribed by law:

The Proposed Amendment

The County Commission; or other governing body by whatever named called or styled; of Mobile County is authorized and shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of the State of Alabama, of one-half of one percent ($1/2$ of 1%) on the value of the taxable property in the County, as such property was assessed for taxation during the preceding year. The proceeds of such tax shall be used exclusively for public school capital outlay purposes but may be pledged to secure the payment of principal and interest on warrants or other evidence of indebtedness issued and sold for public school capital outlay purposes by the Board of School Commissioners of Mobile County or other public body charged with the duties, powers and authority of conducting and operating public schools in Mobile County; which pledge shall take priority as provided in such warrants or other evidence of indebtedness and is in consonance with the provisions of existing law, at the time of the issuance and sale of the said warrants, touching the issue and sale of warrants by school bodies, for capital outlay purposes; provided that before such tax shall be levied, there shall be submitted to the qualified electors of Mobile County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof; and provided further, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this Constitutional Amendment shall vote for the adoption of this Amendment, then the approval of this Amendment, expressed by said vote in said County in favor of its adoption, shall of itself authorize the levy and collection of the said special property tax for a period of thirty years commencing with the levy for the tax year of said County for which taxes will become due and payable to said County on October 1, 1962. Subsequent elections held hereunder shall be called, held and governed in all respects by the law that at the time of the said elections, is in effect for elections to determine whether or not a special county-wide school tax shall be levied and collected under the provisions of Amendment III

(Article XIX) of the Constitution of Alabama. The proceeds of the said tax shall be used solely for public school capital outlay purposes.

The power to levy, granted by this Amendment, will not be exhausted by one election but shall remain a continuing grant unless and until it be repealed by subsequent Constitutional action.

Should, at any election by the qualified electors of Mobile County held hereunder, as hereinbefore provided for, the proposal to tax be defeated; the proposal to tax may be renewed and another election had at any time, upon complying with the requisites of law for the calling of such elections; provided, however, that no such subsequent election may be had within one year after the election in which the proposal was defeated.

This amendment shall be self executing and shall require no enabling legislation.

Section 2: An election, upon this proposed Amendment to the Constitution, is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama as amended, and in accordance with the provisions of law touching elections on Amendments to the Constitution.

Section 3. Notice of the election, and of the proposed Amendment, shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election, in a newspaper in each county of the State; provided that in every County in which no newspaper is published, a copy of the notice shall be posted at each Court House and Post Office.

Constitutional Amendment.

Passed the Senate July 28, 1961.

Passed the House August 18, 1961.

Act No. 559

H. 690—Broadfoot, Long (Lauderdale).

AN ACT

To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

"The court of county commissioners, board of revenue or like governing body of Lauderdale County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Florence, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Florence, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Florence shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Florence shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected, and the revenues derived from such tax shall be used for school construction and other educational purposes solely in the territory of the county outside the corporate limits of Florence.

"If any proposal to levy a tax hereunder is defeated in any election, subsequent elections may be held at intervals of not less than two years.

"This amendment shall be self-executing."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session

of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 4, 1961.

Amended and Passed the Senate August 12, 1961.

House concurred in Senate Amendment August 18, 1961.

Act No. 560

H. 26—Boyd, Grouby, Oden, Vickers,
Goodwyn, Ingram, Pruitt.

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the issuance by the state of not exceeding Ten Million Dollars in principal amount of interest-bearing general obligation bonds for the purpose of acquiring, providing, constructing and equipping one or more prisons and penal institutions.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid and effective as a part of such Constitution when approved by a majority of the qualified electors voting thereon and thereafter proclaimed ratified by the Governor:

“The state is authorized to become indebted, for the purpose of acquiring, providing, constructing and equipping one or more prisons and penal institutions, in an aggregate principal amount of not exceeding Ten Million Dollars and in evidence of any such indebtedness so incurred to issue and sell not exceeding Ten Million Dollars principal amount of interest-bearing bonds in addition to those heretofore authorized and sold. Such bonds shall constitute direct general obligations of the state for the prompt and faithful payment of the principal of and the interest on which the full faith and credit of the state are hereby irrevocably pledged. Such bonds shall be awarded and sold only at a duly advertised public sale or sales,

upon sealed bids or at auction, to the bidder whose bid reflects the lowest net interest cost to the state for the bonds offered for sale and shall be sold at not less than their face value plus accrued interest thereon. Such bonds and the income therefrom shall be forever exempt from all taxation in the State of Alabama. The principal proceeds derived from the sale of any such bonds shall be used solely for the purpose of acquiring, providing, constructing and equipping one or more prisons and penal institutions, including the cost of acquisition of any land necessary therefor and the payment of any expenses incurred in the sale and issuance thereof. This amendment shall be implemented by appropriate enabling legislation enacted by the legislature."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. Such election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 210 to 214, inclusive, of Title 17 of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the date herein appointed for the election. In any county in which there is no newspaper published, such notice shall be posted at each courthouse therein.

Constitutional Amendment.

Passed the House July 11, 1961.

Passed the Senate August 18, 1961.

Act No. 561

H. 396—Copeland, Hanby.

AN ACT

Providing further for the operation of the county board of equalization of each county having a population of not less than 96,000 nor more than 106,000, according to the last or any subsequent federal decennial census; further regulating the term of service, compensation, and expense allowance of the members of the board; making further provision in regard to the office space and office fixtures and supplies of the board; and providing for the employment of a secretary-appraiser by the board and other employees of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county having a population of not less than 96,000 nor more than 106,000, according to the last or any

subsequent federal decennial census, the members of the county board of equalization shall meet on October first of each year, and at such time thereafter as the board may in its discretion deem necessary to the proper performance of its duties, and each member of the board shall be paid at the rate of ten dollars (\$10.00) per diem; provided, however, that the board shall not meet, nor shall the members receive pay, for more than one hundred eighty (180) working days during any one tax year; provided, however, that the commissioner of the state department of revenue is authorized to grant the board the right to meet any additional time necessary for the proper performance of the duties of the board. The board and its employees shall be allowed annual traveling expenses in such amount as may be prescribed by the court of county commissioners, board of revenue or like governing body of the county, and such traveling expense shall be paid monthly to each member of the board and its employees on vouchers, approved by the chairman of the board and the county governing body. The county board of equalization shall appoint its chairman.

Section 2. The board of equalization of each county to which this Act applies may employ a clerk-stenographer and two clerk-appraisers, who shall serve at the pleasure of the board of equalization and shall receive such compensation as may be fixed by the court of county commissioners, board of revenue, or other like governing body of the county. Such governing body of the county shall furnish and supply the county board of equalization with adequate office space, necessary furniture and equipment, all necessary books, maps, stationery, and printed blanks and forms as in the discretion of such governing body may be necessary for the effective performance of the duties required of the board of equalization, and such other employees as may be necessary to the proper discharge of the duties of the board of equalization.

Section 3. The per diem of the chairman, the per diem of board members, and the expense allowances provided the board, together with the salaries of the employees of the board, shall be paid in the same manner and proportion as prescribed by law for the payment of compensation and expenses of members of boards of equalization of the several counties of the state.

Section 4. Such board of equalization shall make whatever investigations it shall deem necessary and proper regarding failure to assess or improper assessments; and may make escape assessments on any day such board is authorized to meet.

Section 5. The tax assessor of the county shall serve as secretary of the board of equalization as prescribed in Section 93, Title 51, Code of Alabama 1940. The board of equalization

shall make all assessments final and deliver such final assessments to the tax assessor on or before the third Monday in June of each year.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective August 1, 1961.

Approved August 25, 1961

Time: 11:15 A.M.

Act No. 562

H. 1080—Johnson (Tom), Vickers.

AN ACT

Proposing an Amendment to the Constitution of Alabama to authorize a hospital tax in Districts Three and Four of Tallapoosa County and the financing of hospitals and health facilities with bonds, warrants or certificates of indebtedness issued in anticipation of the collection of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Tallapoosa County shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in Districts Three and Four of Tallapoosa County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Amendment LXXVI to the Constitution proposed by Acts of 1949, Page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949) within said Districts Three and Four; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in Districts Three and Four of Tallapoosa County and voted for by a majority of such electors voting at such election. The governing body of Tallapoosa County may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it

of a petition signed by not less than 5% of the qualified electors of said Districts Three and Four, requesting that such election be called. The governing body may call such election to be held at the same time that this Amendment is submitted to the electors of the State for ratification and such election shall be effective to require the levy and collection of such tax in the event that this Amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Tallapoosa County. No election shall be held hereunder within one year from the date of the last election so held.

“Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Tallapoosa County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said County payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the County.

“The governing body of Tallapoosa County shall have power to designate as the agency of the County, to construct, acquire, equip, operate and maintain public hospital facilities for said Districts Three and Four, any public corporation heretofore or hereafter organized for hospital purposes in the County. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

“No securities issued or contracts made by Tallapoosa County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Tallapoosa County or of a political subdivision thereof within the meaning of Section 222

of the Constitution, or construed to create or constitute an indebtedness of the County within the meaning of Section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

"The Districts Three and Four of Tallapoosa County herein referred to are the Districts Three and Four provided for in Act No. 241, Local Laws of Alabama, approved September 7, 1923 (Local Acts of 1923, Pages 144, 145)."

Section 2. An election upon the proposed Amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940), as amended.

Section 3. Notice of the election and of the proposed Amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 4, 1961, as amended.

Passed the Senate August 25, 1961.

Act No. 563

S. J. R. 41—deGraffenried.

SENATE JOINT RESOLUTION

WHEREAS, the Alabama State Hospitals, sometimes referred to as "Bryce Hospital," is presently engaged in the observing of its Centennial, and

WHEREAS, the first patient was admitted to Bryce Hospital on the 5th day of April, 1861 and during its 100 years of existence, the Hospital has grown from a patient load of one to 7,517 in 1961, and

WHEREAS, during its 100 years of existence, the hospital has only had four superintendents, namely:

Dr. Peter Bryce, Dr. J. T. Searcy, Dr. W. D. Partlow and Dr. J. S. Tarwater, the present superintendent: and

WHEREAS, the Hospital has over the years, grown from a place of detention to an institution of modern care and treatment, and has developed as rapidly as finances would permit and has been recognized all over the United States as a modern and up to date institution for the treatment and care of the mentally ill; and

WHEREAS, the Legislature of Alabama has watched with pride, the progress made by the Alabama State Hospitals and does desire to now honor the Hospitals and the four superintendents:

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do now congratulate the Alabama State Hospitals on this 100th Anniversary and we do honor and pay tribute to the three former superintendents who have gone on to their reward, and to Dr. J. S. Tarwater, the present superintendent, we offer our heartfelt thanks for a job well done and wish him many more years of successful service.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Dr. J. S. Tarwater of the Bryce Hospital and a copy be forwarded to each of the members of the Board of Trustees of the Hospitals.

Approved August 29, 1961
Time: 11:00 A.M.

Act No. 564

S. J. R. 38—Archer.

SENATE JOINT RESOLUTION

WHEREAS the University of Alabama Research Institute at Huntsville is intended to serve the needs and purposes of the entire State of Alabama, and

WHEREAS the research and educational program needs of the Federal agencies in the Huntsville area far exceed the potential of any one higher institution in the state or region, and

WHEREAS Auburn University and other institutions of higher learning in the South have conducted and are conducting extensive programs of research and instruction on behalf of and in cooperation with the several Federal agencies in the Huntsville area, and

WHEREAS it is the stated intention of the President and the Board of Trustees of the University of Alabama that the facilities and programs of the Research Institute at Huntsville shall

when possible and appropriate be made available to Auburn University and other institutions of higher learning,

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that it is the intent of the Legislature of the State of Alabama that any facilities constructed at the Research Institute of the University of Alabama at Huntsville shall when possible and appropriate be made available to Auburn University and other institutions of higher learning in the State, and that any programs established at the Research Institute shall, when possible and appropriate invite the full participation and cooperation of Auburn University and other higher institutions in the State which are now or may in the future conduct programs of research and education in the interest of the State and of Federal agencies in the Huntsville area.

Approved August 29, 1961
Time: 11:01 A.M.

Act No. 565 S. J. R. 39—Andrews, Wilson, Eddins, Robinson, Godfrey, Porter, Caffey, Leonard, Wyatt, Green, Graham, Samford, Cooper, Turner, Golsen, Crawford, Farmer, Word, Clark, Hines, Barnett, Shelton, Kendall, Berryman, Archer, deGraffenried, Dumas, Gaither. Moses, Webb and Haltom.

SENATE JOINT RESOLUTION

WHEREAS, Dean A. B. Moore, now retired, rendered a great service to the young men and women of the State of Alabama while serving over a period of 35 years as head of the History Department and Dean of the Graduate School of the University of Alabama; and,

WHEREAS, his book on Alabama History has constituted the official textbook of all colleges of Alabama over a long period of years; and,

WHEREAS, Dean Moore has won national recognition as Executive Director of the Alabama Civil War Centennial Commission; and,

WHEREAS, the Legislature of Alabama appreciates the splendid services that Dean Moore has rendered to our people; now therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that the Legislature of Alabama does hereby pay tribute to a great Alabamian for the invaluable service which he has rendered to our people.

BE IT FURTHER RESOLVED that a copy of this resolution be spread on the journals of both Houses, that a copy be sent to Dean Moore, and a copy be placed in the hands of the public press.

Approved August 29, 1961
Time: 11:02 A.M.

Act No. 566

S. 477—Moses.

AN ACT

To amend further Section 713 of Title 7, Code of Alabama 1940, which relates to the printing and publishing of legal advertisements.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 713 of Title 7, Code of Alabama 1940, as amended, is further amended to read as follows:

“Section 713. The party in interest, or at whose instance the publication of notice is to be given by advertisement in a newspaper, may designate the newspaper in which such advertisement shall be made. If the officer charged with the duty of making the advertisement disregards such designation, and makes advertisement in some other paper, he must pay the cost thereof, and shall not be entitled to reimbursement; but all publications required by any law or mortgage or other contract to be published in a newspaper must be printed in whole or in part and published in the county in which the advertisement is published and must be published in a newspaper printed in the English language which has a general circulation in the county in which it is published, which newspaper shall have been mailed under the second class mailing privilege of the United States post office department from the post office where it is published for fifty-two consecutive weeks. Provided, that if there is no newspaper printing plant in the county where the advertisement is published, and in Cullman County, the printing may be done in another county in the State of Alabama. In all counties having populations of not less than 46,500 nor more than 48,000, according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the Eng-

lish language which has general circulation in the county, regardless of where the paper is printed, and regardless of whether or not said newspaper is mailed under the second class mailing privilege of the United States Post Office Department, provided the principal editorial office of the newspaper is located within the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 11:03 A.M.

Act No. 567

H. J. R. 87—Turnham, Torbert.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

WHEREAS, Edward O. Jones, a resident of Lee County, Alabama, departed this life on May 26, 1961; and

WHEREAS, Mr. Jones has served the State of Alabama in a devoted and capable manner since February 1, 1935 in his capacity as an Examiner of Public Accounts until his recent retirement prior to his death; and

WHEREAS, his friends, associates, and particularly the public officials of the State and counties whom he served so faithfully will sorely miss the advice, counsel and guidance furnished them by Mr. Jones; and

WHEREAS, the State of Alabama has lost one of its most faithful, conscientious, devoted and capable employees;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama that the Legislature mourns the death of Mr. Jones and extends to the members of his family its sincere sympathy;

BE IT FURTHER RESOLVED that this resolution be spread upon the Journals of both houses of the Legislature and that a copy thereof be sent to his surviving widow, Mrs. Maude S. Jones, Auburn, Alabama.

Approved August 29, 1961
Time: 11:04 A.M.

Act No. 568

H. J. R. 89—Smith (St. Clair).

HOUSE JOINT RESOLUTION

WHEREAS, the State of Alabama is richly endowed with many scenic, historic, prehistoric, archaeologic and natural features; and,

WHEREAS, among the many interesting and scenic areas is a rocky wonder, atop Chandler Mountain in St. Clair County known locally as Horse Pens 40; and

WHEREAS, this spot abounds with lore of the early days of Alabama, the secluded rocks and crevices furnishing a cache for the Indians, the natural rock formations providing them with a perfect horse corral which was later used by the white man, and the overhanging bluffs providing a shelter for the domestic animals and a sure fortress for their owners in times of strong winds that swept across the high mountains; and,

WHEREAS, through the efforts of Horse Pens 40 Incorporated the majestic beauty of the rock formations, the magnificent view of the surrounding area, the evidences of the history and culture of our early settlers hidden away in the mountain side, which had not been fully explored for more than a century, have been made accessible to the public; and

WHEREAS, Horse Pens 40 Incorporated by advertising this area has attracted many visitors to Alabama; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING

That the Legislature of Alabama heartily commends the Horse Pens 40 organization for its dedicated work in advertising one of our natural wonders, attracting and encouraging peoples from other states and countries to visit Alabama and thereby promoting the recreational and economic development of the State.

Be it further resolved that a copy of this resolution be transmitted to Horse Pens 40 Incorporated, 2908 Morgan Street, Huntsville, Alabama.

Approved August 29, 1961

Time: 11:05 A.M.

Act No. 569

H. 459—Oakley.

AN ACT

To amend Section 445 of Title 37, Code of Alabama 1940, relating to municipal audits and persons by whom such audits may be compiled.
Be It Enacted by the Legislature of Alabama:

Section 1. That Section 445 of Title 37, Code of Alabama 1940, be, and the same hereby is, amended to read as follows:

"In cities and towns, the Mayor, at least once a year, shall appoint an independent public accountant or the Department of Examiners of Public Accounts to conduct an examination in accordance with generally accepted auditing standards of all books and accounts of the city or town since the preceding examination, and to make a full report thereof in writing, under oath, to be submitted to the council at its first meeting after the completion of such report, and the same shall be spread upon the minutes of the council. For his services said independent public accountant or the Department of Examiners of Public Accounts shall be paid such sum as may be agreed upon."

Section 2. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved August 29, 1961

Time: 11:06 A.M.

Act No. 570

H. 460—Murphy, Trimmier.

AN ACT

To amend Section 353, Title 17 of the Code of Alabama 1940, which relates to numbering places in primary elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 353, Title 17, Code of Alabama is hereby amended to read as follows:

"Section 353. Whenever and wherever candidates for two or more state offices of the same classification are to be nominated in said primary each of said places to be filled shall be numbered, and each candidate for such offices in the announcement of his candidacy shall designate the number of the office for which he is a candidate; the same person shall not be a candidate or be permitted to file his declaration for more than one of such places; provided, no ballot shall be counted for any candidate except for the place and number for which he announced in his declaration filed with the legally constituted authorities to receive and file declaration of candidacy. Provided, however, that this provision shall not apply to counties having a population of more than 600,000 according to the 1960 or any subsequent decennial census except as to judicial officers."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 29, 1961

Time: 11:07 A.M.

Act No. 571

H. 567—Faulk.

AN ACT

To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the city of Geneva, Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of revenue shall collect any sales and use taxes levied or assessed by the city of Geneva, Geneva County, under the provisions of a municipal ordinance when the levy is identical to the state levy except for rate of tax, and subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied by Act No. 100, H. 94, Second Special Session 1959, and Article 11, Chapter 20, of Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes, if the ordinance is duly promulgated and adopted by the governing body of the city of Geneva and a certified copy of the ordinance is filed with the state department of revenue.

Section 2. Such municipal sales and use taxes shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the state under the provisions of said Act No. 100, H. 94, Second Special Session 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended; and all reports required to be made to the commissioner of revenue hereunder shall, on request made to the department of revenue, be made available for inspection by the governing body of the city of Geneva, or its designated agent, at reasonable times during business hours.

Section 3. The department of revenue shall prepare and distribute such reports, blank forms, and other information as may be necessary to provide for collection of municipal taxes for the city of Geneva, and shall have all the authority and duties hereunder as it has in connection with the collection of the state sales and use taxes provided for by said Act No. 100 and said Article 11 of Chapter 20, Title 51, Code 1940, as amended and supplemented.

Section 4. It shall be the duty of the commissioner of revenue to pay into the state treasury all municipal taxes collected under this Act, and on or before the first day of the

following month, the commissioner shall certify to the comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of the city of Geneva during the calendar month immediately preceding the making of such certificate. The amount certified by the commissioner of revenue as having been collected for the use of the city of Geneva, less collection charges deducted, shall be paid to the treasurer or other custodian of funds of the city of Geneva. The state department of revenue shall charge the city of Geneva for collecting municipal sales and use taxes the cost to the department of making such collections, provided such charge shall not exceed ten percent of the amount collected. The comptroller shall once each month draw his warrant on the funds collected under this Act payable to the department of revenue for the amount of such charges, as determined by the commissioner of revenue.

Section 5. The commissioner of revenue may employ special counsel when necessary to enforce collection of municipal sales and use taxes for the city of Geneva, and otherwise to enforce the provisions of the ordinance levying such taxes, including any litigation required, and the department of revenue may pay special counsel such fees as the commissioner considers reasonable and proper from the proceeds of the taxes payable to the city of Geneva under the provisions of this Act.

Section 6. Any amendment of any municipal ordinance heretofore adopted levying a tax required to be collected hereunder shall not be effective until the first day of the month next following the expiration of 30 days from the date of the adoption of such amendment. The department of revenue shall not be required to make any collection of municipal taxes, or otherwise perform any duties as provided for herein until a certified copy of the ordinance and amendments thereto has been on file with the department of revenue for at least 30 days.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on October 1, 1961 upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 11:16 A.M.

AN ACT

To levy county sales and use taxes for public school purposes in Blount County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby levied and imposed in Blount County, in addition to all other taxes of every kind now imposed by law, county privilege or license or excise taxes to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Blount County in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Blount County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Blount County, an amount equal to one per cent of the gross receipts of any such business.

3. Upon every person, firm or corporation engaged or continuing within Blount County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one per cent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm or corporation engaged or continuing within Blount County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax is hereby imposed on the storage, use or other consumption in Blount County of tangible personal property purchased at retail on or after the first day of October, 1961, for storage, use or other consumption in such county at the rate of one per cent of the sales price of such property, except as otherwise provided as follows:

(a) An excise tax is hereby imposed on the storage, use or other consumption in Blount County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of October 1961, for storage, use or other consumption in Blount County, at the rate of one-half of one per cent of the sales price of such machines or the parts, attachments, or replacements therefor.

(b) An excise tax is hereby imposed on the storage, use or other consumption in Blount County of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1961, for storage, use or other consumption in Blount County, at the rate of one-half of one per cent of the sales price of such automotive vehicle, truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the difference of the

price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, the state sales tax law, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof. The tax levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the tax will be on the consumer rather than on the retailer.

Every person storing, using, or otherwise consuming in Blount County any tangible personal property purchased at retail shall be liable for the tax imposed by paragraph 5, above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 2. The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto, and all reports now required to be made to the Commissioner of Revenue shall, on the request of the Department of Revenue, be available for inspection by the chairman of the Blount County Board of Education, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by the law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the first day of the following month, the Commissioner

shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Blount County Board of Education during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to the custodian of the public school funds of Blount County, in his official capacity, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Blount County Board of Education and paid into the State Treasury. The County Board of Education of Blount County shall, periodical upon receipts of the proceeds of the taxes levied hereunder, divide or pro rate said funds to the County Board of Education and to any or all other independent boards of education within said County upon the same basis that the State Department of Education pro rates the Minimum School Program funds between the County Board of Education of Blount County and the Independent School Board or Boards within said County. The revenues arising from the taxes herein levied shall be used by the respective Boards of Education within said Blount County solely for public school purposes.

Section 3. The Department of Revenue shall charge Blount County Board of Education for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Blount County Board of Education, but such charge shall not, in any event, exceed ten per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each month from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes due Blount County Board of Education for that month. The Department of Revenue shall have full authority to employ such special Counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving the Act, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the county.

Section 4. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Blount County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws in conflict herewith are repealed.

Section 7. This Act shall become effective on the first day of the second month succeeding the month during which this Act becomes law.

Approved August 29, 1961

Time: 11:20 A.M.

Act No. 573

H. 1095—Jenkins.

AN ACT

To authorize the clerk of the circuit court of Randolph County to take complaints and issue warrants in criminal cases for offense committed within the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Randolph County is hereby authorized and empowered to take complaints and issue warrants, including search warrants, in all criminal cases; all such warrants to be returnable to any court of proper jurisdiction within said county. For accepting such complaints and issuing such warrants the clerk shall be entitled to the fees provided by law for justices of the peace.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 11:10 A.M.

Act No. 574

H. 1079—Sullivan.

AN ACT

To direct and require the Commissioner of Revenue and the State Department of Revenue to collect any taxes now or hereafter levied in the City of Aliceville, Pickens County, Alabama, or in the police jurisdiction thereof, which said taxes are levied by the City Council of the City of Aliceville, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said City, and known as a privilege or license tax against persons, firms or corporations engaging in the business of selling tangible personal property

at retail in the City of Aliceville, Alabama, or within the police jurisdiction thereof, with a levy identical to the state levy for sales and use taxes, except for rate of tax; to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue, and the Comptroller, with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The department of revenue is hereby authorized, directed, and required to collect any taxes now or hereafter levied in the City of Aliceville, Pickens County, Alabama, or in the police jurisdiction thereof, which said taxes are levied by the City Council of the City of Aliceville, Alabama, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said City, and known as a privilege or license tax against persons, firms or corporations engaging in the business of selling tangible personal property at retail in the City of Aliceville, Alabama, or within the police jurisdiction thereof, with a levy identical to the state levy for sales and use taxes, except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of the City of Aliceville, Pickens County, Alabama, and when a certified copy of said ordinance or resolution has been filed with the department of revenue. Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores. Such municipal taxes, as aforesaid, shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of the City of Aliceville, Pickens County, Alabama, or its designated agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the col-

lection of such municipal taxes, as aforesaid, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the commissioner of revenue to pay unto the state treasury all such taxes collected for the City of Aliceville, Pickens County, Alabama, under this Act; and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the City of Aliceville, Pickens County, Alabama, during the calendar month immediately preceeding the making of such certificate. Whereupon it shall be the duty of the comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue as having been collected for the use of the City of Aliceville, Pickens County, Alabama, and paid into the state treasury; and the amount so certified by the Commissioner of revenue as having been collected for the use of such City (less expenses) shall be paid to the treasurer or other custodian of funds of the City of Aliceville, Pickens County, Alabama. The department of revenue shall charge the City of Aliceville, Pickens County, Alabama, for collecting such municipal taxes, as aforesaid, the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal taxes, as aforesaid, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to the City of Aliceville, Pickens County, Alabama, under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the department of revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolu-

tion, or amendment thereto, is filed with the department of revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 11:11 A.M.

Act No. 575

S. J. R. 42—Cooper.

HOUSE JOINT RESOLUTION

Pursuant to the recommendation of the Alabama Civil War Centennial Commission at its last meeting, March 24, 1961, the following resolution is adopted by the Legislature of the State of Alabama:

“WHEREAS Enoch Hooper Cook, Sr., Camden, Wilcox County, Alabama enlisted in the Confederate army on October 22, 1861, and

WHEREAS he had ten sons — Zoroaster Selman, William Matthias, James Walker, Andrew Jackson, Enoch Hooper, Jr., Robert, John Tyler, Julius, Junius, Thomas Jefferson Cook — enlisted and

WHEREAS three of the sons — Julius, Robert and Thomas Jefferson Cook — were killed during the war and

WHEREAS two grandsons — Enoch and Thomas F. Dunham — enlisted in the Confederate army and never returned home following the War, and

WHEREAS records indicate that this may be the largest family of men to have enlisted in the Confederate army,

NOW THEREFORE, BE IT RESOLVED that the legislature of the State of Alabama designates October 22, 1961, as Enoch Hooper Cook Day, and that it encourages the family, the local Centennial Committee and the Civil War Centennial Commission to hold appropriate centennial commemorations on that day either at Camden or Montgomery, Alabama, whichever proves to be most appropriate.

Approved August 29, 1961

Time: 11:12 A.M.

Act No. 576

S. 162—Robison, deGraffenried, Moses,
Rutledge, Archer, Turner,
Haltom, Clark, Crawford,
Word and Cooper.

AN ACT

To make additional appropriations to the Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics, and to make additional appropriations to the State Department of Public Health for mental health purposes including establishment and operation of mental hygiene clinics and training and research in the field of mental health.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other funds heretofore appropriated to the Board of Trustees of the University of Alabama, there are hereby appropriated to the Board of Trustees of the University of Alabama for each of the two fiscal years ending respectively September 30, 1962 and September 30, 1963, the sums hereinafter provided, for the mental health purposes hereinafter set forth:

TO THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA:

- | | |
|---|--------------|
| (a) For the Medical College of Alabama, for salaries of professional and related personnel in its Department of Psychiatry, | |
| For the fiscal year ending September 30, 1962 | \$ 44,000.00 |
| For the fiscal year ending September 30, 1963 | 73,000.00 |
| (b) For the Medical College of Alabama for stipends and scholarships to be paid to trainees in the field of psychiatry, | |
| For the fiscal year ending September 30, 1962 | 24,000.00 |
| For the fiscal year ending September 30, 1963 | 99,200.00 |
| (c) For the Medical College of Alabama for operation of its out-patient Mental Health Clinic for residents of this State, | |
| For the fiscal year ending September 30, 1962 | 25,000.00 |

For the fiscal year ending September 30, 1963	40,000.00
(d) For University Hospital and Hillman Clinics, for expenses of hospitalization of medically indigent mental patients who are residents of this State, For the fiscal year ending September 30, 1962	\$ 62,650.00
For the fiscal year ending September 30, 1963	\$436,022.90

Section 2. In addition to all other funds heretofore appropriated to the State Department of Public Health there is hereby appropriated to the State Department of Health for each of the two fiscal years ending respectively on September 30, 1962 and September 30, 1963, to be used for the following mental health purposes:

**TO THE STATE DEPARTMENT OF PUBLIC HEALTH:
For:**

- (a) The establishment and operation of mental hygiene clinics in the State;
- (b) The training of and employment of personnel for services in the field of mental health; and
- (c) Research in the field of mental health,
For the fiscal year ending September 30,
1962 50,000.00
For the fiscal year ending September 30,
1963 75,000.00

Section 3. The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 4. This Act shall become effective on October 1st, 1961.

Approved August 29, 1961
Time: 11:15 A.M.

Act No. 577

H. 517—Hanby, Copeland.

AN ACT

Relating to counties having populations of not less than 100,000 people, nor more than 115,000 people, according to the last federal decennial census, or any subsequent federal decennial census; re-

quiring the court of county commissioners, board of revenue, or like governing bodies of said counties to cover, or cause to be covered certain employees of said counties, or any agency or instrumentality thereof, including the employees of elected officials, under the Workmen's Compensation Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing bodies of all counties which have populations of not less than 100,000 nor more than 115,000 people, according to the last, or any subsequent federal decennial census, are authorized, directed and required to cover or cause to be covered under the Workmen's Compensation Act (Chapter 5 of Title 26, Code of Alabama, 1940) the employees of said counties, or any agencies or instrumentalities of said counties, including the employees of elected officials with the following exceptions:

(a) All officers and officials elected by the people.

(b) All board members, officers, officials, and employees who are by statute required to be appointed by the governor of the State of Alabama.

(c) All election officials and their employees.

(d) The teaching staffs in the public schools and all employees in, connected with, or under the supervision and direction of the public school system of any said counties.

(e) All employees and officials of any hospital.

(f) The county attorney or attorneys and county health officer.

(g) All employees other than the county engineers, whose compensation or salaries are not paid wholly by said counties.

(h) All employees who are paid a commission or fees for their services.

(i) All employees of the county health department and the county welfare department.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective August 1, 1961.

Approved August 29, 1961
Time: 10:03 P.M.

Act No. 578

H. 558—Hanby, Copeland.

AN ACT

To repeal Act No. 341, H. 741, approved August 1, 1951, an act relating to the payment of benefits to certain disabled employees of certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 629).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 341, H. 741, approved August 1, 1951, entitled "An Act Relating to counties having populations of not less than 96,000 nor more than 140,000 inhabitants: To provide for the payment of benefits to employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such county who are killed in the performance of their official duties" (Acts of Alabama 1950-1951, vol. I, p. 629), is hereby expressly repealed.

Section 2. This act shall take effect August 1, 1961.

Approved August 29, 1961

Time: 10:04 P.M.

Act No. 579

H. 564—Martin.

AN ACT

To apply in Greene County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Any resident of Greene County duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of the county for his domestic use or consumption by the use of baskets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets.

Section 2. Any resident of Greene County desiring a license to fish for catfish with baskets, including wire mesh baskets, may apply to the probate judge of Greene County, and shall pay a privilege license tax of one dollar and an issuance fee of 25 cents for the probate judge for each basket to be fished. Such licenses shall not be issued for more than four baskets to any one person, and no license shall be issued to any person

holding a commercial fishing license. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of that year.

Section 3. All revenues derived from the sale of licenses as provided in this Act shall be paid over to the director of the State Department of Conservation, to be credited to the game and fish fund, and shall be spent for law enforcement work. The probate judge may retain for his own use all issuance fees collected.

Section 4. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 10:05 P.M.

Act No. 580

H. 611—Gordon.

AN ACT

To abolish the office of county or deputy solicitor for Blount County and to create in lieu thereof the office of Blount County Solicitor; to provide for the election, qualifications, and term of the Blount County Solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the Board of Revenue, Court of County Commissioners, or other like governing body of Blount County to furnish the Blount County Solicitor with necessary office space, supplies, and equipment; and to supersede certain conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of County Solicitor or Deputy Circuit Solicitor of Blount County is abolished, and in lieu there-

of there is hereby established the office of Blount County Solicitor.

Section 2. The Blount County Solicitor shall be the Solicitor for the Law and Equity Court of Blount County, and shall prosecute all criminal or quasi-criminal cases therein. He shall assist the Circuit Solicitor in the Circuit Court of Blount County, in the prosecution of criminal or quasi-criminal cases, shall attend the meetings of the grand jury of said county.

Section 3. The incumbent County or Deputy Solicitor shall be the first Blount County Solicitor and shall serve as such until the expiration of the term for which he was elected. At the general election held in November preceding the expiration of the term for which the incumbent Solicitor was elected, and every four years thereafter, the Blount County Solicitor shall be elected by the qualified electors of Blount County, to hold office from the first day of January next after his election and until his successor is elected and qualified. He must be a resident and qualified elector of Blount County at the time of his election or appointment. He must be learned in the law. He shall be paid the sum of Two Hundred Dollars (\$200.00) a month for salary, and in addition Two Hundred Dollars (\$200.00) for secretarial help, to be paid at the same time and in the same manner as other County Employees, out of, and be a preferred claim against the general fund of the county.

Section 4. Any vacancy occurring in said office shall be filled by appointment by the Governor for the unexpired term. but if the Governor fails to make such appointment within 10 days after the vacancy occurs, the vacancy shall be filled by appointment of the governing body of the County. The governing body of the County shall notify the Governor forthwith when a vacancy occurs.

Section 5. The Board of Revenue, Court of County Commissioners, or other governing body of Blount County shall furnish the Blount County Solicitor with adequate and suitable office space, and with such equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps, as may be necessary for the proper and efficient discharge of the duties of his office.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of Act No. 227, H. 669, approved June 22, 1943 (Local Acts of Alabama, Regular Session, 1943, page 126); Act No. 629, S. 436, approved October 9, 1947 (Lo-

cal Acts of Alabama, Regular Session 1947, page 398); Section 3 (b) of Act No. 600, H. 952, approved September 15, 1953, (Acts of Alabama, Regular Session 1953, Volume 11, page 850); and all other laws which conflict with the provisions of this Act are superseded by this Act.

Section 8. This Act shall become effective immediately upon its passage and approved by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 10:06 P.M.

Act No. 581

H. J. R. 94—Bailey, Goodwyn, Pierce,
Goldthwaite.

HOUSE JOINT RESOLUTION

WHEREAS, the Federal Communications Commission has issued proposed rule making under Docket No. 14246 proposing to make Montgomery, Alabama an all UHF market by substituting a UHF Channel for VHF Channel 12 now allocated to WSFA-TV; and

WHEREAS, by a joint resolution the House of Representatives and Senate have formally gone on record deploring the proposed ruling which would deprive thousands of Central and South Alabama residents of television service from the State Capitol; and

WHEREAS, the FCC has solved the problem of UHF-VHF inter-mixture in many other cities including Columbus, Georgia, Baton Rouge, Louisiana, and St. Petersburg, Florida by allocating additional VHF Channels; and

WHEREAS, the public interest would be better served by the allocation of an additional VHF Channel to Montgomery, thus enabling the people of Central and South Alabama to have two television services from their State Capitol:

NOW, THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature formally go on record urging that the Federal Communications Commission allocate another VHF Channel to Montgomery in order that the interests of the people of Alabama might be better served.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded by the Clerk of the House to the Chairman

of the Federal Communications Commission, Honorable Newton Minow, and to each of the Members of the Commission, and to the United States Senators and each of the Congressmen from the State of Alabama.

Approved August 29, 1961

Time: 10:07 P.M.

Act No. 582

H. 963—Speaks.

AN ACT

To provide for the appointment of an additional deputy and for the compensation of deputies of the sheriffs in all counties having populations of not less than 25,500 nor more than 25,700, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the deputies of the sheriffs of all counties having populations of not less than 25,500 nor more than 25,700, according to the 1960 or any subsequent federal decennial census, which is payable from the county treasury, other than the compensation of the chief deputy, shall be fixed by the court of county commissioners, board of revenue, or like governing body of the county, at not less than one thousand eight hundred dollars (\$1,800) nor more than four thousand two hundred dollars (\$4,200) per annum.

Section 2. The sheriff of any such county may appoint an additional deputy, whose compensation shall be fixed by the court of county commissioners, board of revenue, or like county governing body as provided in Section 1.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective August 30, 1961.

Approved August 29, 1961

Time: 10:08 P.M.

Act No. 583

H. 1010—Hanby, Copeland.

AN ACT

To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 100,000 nor more than 115,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury in the amount of one hundred dollars per month, on vouchers or warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 12:00 Noon

Act No. 584

H. 1011—Copeland, Hanby.

AN ACT

To repeal Act No. 713, H. 1145, approved September 20, 1957, entitled "An Act To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 1109).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 713, H. 1145, approved September 20, 1957, entitled "An Act To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body, other than the chairman or president thereof, of any county in the State having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 1109) is hereby expressly repealed.

Section 2. This act shall become effective August 1, 1961.

Approved August 29, 1961

Time: 12:01 P.M.

Act No. 585

H. 1012—Hanby, Copeland.

AN ACT

To repeal Act No. 683, H. 1086, approved September 20, 1957, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 135,000, according to the last or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties" (Acts of Alabama 1957, vol. II, p. 1030).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 683, H. 1086, approved September 20, 1957, entitled "An Act Relating to counties having a population of not less than 94,000 nor more than 135,000, according to the last or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties" (Acts of Alabama 1957, vol. II, p. 1030) is hereby expressly repealed.

Section 2. This act shall become effective August 1, 1961.

Approved August 29, 1961

Time: 12:02 P.M.

Act No. 586

H. 1013—Copeland, Hanby.

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census.

Section 2. Whenever the governing body of any incorporated municipality situated within any county to which this act applies shall pass a resolution to the effect that the public health or public good requires that certain territory (describing it) shall be brought within the limits of the city or town:

(1) It shall be the duty of the mayor to certify a copy of such resolution to the judge of probate of the county in which the land proposed to be annexed is situated, and said certified resolution shall have attached thereto a plat or map of said territory, which certified resolution and plat or map shall be filed by the judge of probate.

(2) Within ten days from the date of the filing of such resolution, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described, not less than twenty days nor more than forty days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in a newspaper published within the city or town whose limits are proposed to be extended if a newspaper is published therein, and if no newspaper is published in such municipality, then by posting notices at three public places in such municipality, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the city or town, and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on file in the office of the judge of probate of said county, open to the inspection of the public.

(3) The judge of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

(4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the city or town for three months next preceding the election, may vote at such election, but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides.

(5) The election to determine whether or not the proposed territory shall be brought within such corporate limits must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided.

(6) Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation," if he desires to vote in favor of annexing the territory to the city, or "against annexation," if he desires to vote against annexing the territory to the city or town. It shall not be necessary for the ballot to be of any particular size, form, or color.

(7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of

the election, at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation," the judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the city or town to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the map and all orders or decrees or judgements to be recorded in the records in his office, and from the time of the entry of such order such territory shall be part of and within the corporate limits of the city or town. If it appears that a majority of the votes cast at the election are "against annexation" the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the city or town, and that the territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the city or town until it may thereafter be brought into the city or town as a part thereof.

(8) The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of justice of the peace, making the city or town the contestee. The city or town at whose instance the election is held shall pay all costs and expense incident to the election.

(9) The plat or map filed with the certified copy of the resolution, as required herein, shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory, which territory must be contiguous to the boundary of and form a homogeneous part of the city or town and such territory may extend to or around the boundary lines of any other city or town, but is not to embrace any territory within the corporate limits of another municipality. No platted or unplatted territory shall be included within such boundary unless there are at least two qualified electors residing on each quarter of each quarter section, according to government survey, or part thereof, of such platted or unplatted land, and the persons, firms or corporations owning at least sixty percent of the acreage of such platted or unplatted land signify their consent by signing said petition. However, the provision requiring at least two qualified electors to reside on each quarter of each quarter section, or part thereof, shall

not apply to any quarter of a quarter section, or part thereof, when the persons, firms or corporations owning at least eighty percent of the acreage in said quarter of a quarter section, or part thereof, and the persons, firms or corporations owning at least eighty percent of the assessed value of the land and improvements in said quarter of a quarter section, or part thereof, have consented thereto in writing. Proof of residence and qualification as electors of petitioners and of persons affected shall be made to the judge of probate, by affidavit or otherwise, as he may direct. When determining ownership and assessed value, respectively, of the land and improvements within such boundary, the persons, firms or corporations assessing the same for taxation and the assessed value for the preceding tax year shall be accepted by the probate judge as *prima facie* proof thereof.

Section 3. (1) Whenever the owners of all the property in a particular area desire for such territory to be annexed to a municipality situated within any county to which this act applies, the owners of such property shall all sign a petition which shall signify their desire for such territory to be annexed, and such petition shall be filed with the governing body of such municipality; and there shall also be filed at the same time with such municipality a plat or map which shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory.

(2) Any territory to be annexed must be contiguous to the boundary of and form a homogeneous part of the city or town and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another municipality.

(3) If the governing body of the municipality to which the petition is presented shall approve the annexation of such territory by appropriate resolution, the governing body of such municipality shall then forward to the judge of probate of the county within which the municipality and territory to be annexed are located a certified copy of such resolution together with a copy of the petition and the map or plat filed with such petition.

(4) The judge of probate shall determine within ten days after receipt of such petition whether the petition does in fact contain the names of the persons, firms or corporations which in fact own all the property embraced within the territory to be annexed. When determining the ownership of the land within such territory, the persons, firms or corporations assessing the same for taxation shall be accepted by the judge of probate as *prima facie* the owners thereof.

(5) If it is determined that the petition is signed by the owners of all property within the territory to be annexed, then within ten days from the filing of such resolution, together with the petition and the plat or map attached thereto, the judge of probate shall direct and order that the resolution be advertised once a week for three consecutive weeks in a newspaper having a general circulation in said municipality or by posting such resolution in three public places in said municipality, if there is no newspaper of general circulation published therein. In addition to such advertisement or posting, the judge of probate shall within ten days of the receipt of such resolution send by registered or certified mail notice of such proposed annexation to all persons, firms or corporations which he has found to be an owner of property located within the territory to be annexed, such notice to state the time within which protests must be filed.

(6) If no protest is filed with the office of the judge of probate within thirty days from the time the resolution is first published or posted, or if such protests are determined, after hearing as provided herein, to be without merit, the judge of probate, if he has determined that the petition is signed by the owners of all the property within the territory to be annexed, shall forthwith make and enter on the records of the probate court adjudging and decreeing the corporate limits of the town or city to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the plat or map attached to it, together with the petition of the owners of the affected acreage setting forth their desire for the annexation together with all other orders, notices, decrees or judgments relating to said annexation, to be recorded in the records of the office of the judge of probate, and from the time of entry of such order such territory shall be a part of and within the corporate limits of the town or city.

(7) Within thirty days from the date the resolution is first published or posted, any person, firm or corporation owning acreage in the territory proposed to be annexed, may file a written protest with the judge of probate contesting the proposed annexation on the ground that said person, firm or corporation is in fact the owner of land embraced within the territory proposed to be annexed and did not give consent thereto in writing by signing such petition. Upon receipt of such protest, the judge of probate shall designate a day and time not less than ten nor more than twenty days after the last day for the filing of protest, at which time a hearing shall be held to hear any and all such protests and at which time those persons, firms or corporations protesting the proposed annexation may present evidence to show that the annexation should not be

accomplished in accordance with the provisions of this Section. If it is determined, on the basis of the evidence presented at such hearing, that a person, firm or corporation owning land within the territory proposed to be annexed did not in fact consent in writing to such annexation by signing such petition, the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that the annexation proceedings under this Section are null and void.

(8) Any city or town having extended its corporate limits under the provisions of this Section may again extend its corporate limits hereunder or under any other law authorizing an extension of corporate limits by such city or town. Failure to complete annexation proceedings in accordance with this Section shall not preclude any city or town from seeking to annex the same territory under any other law.

(9) In every proceeding to extend the corporate limits of any city or town under the provisions of this Section, the governing body of such city or town shall declare in each and every resolution herein provided for and the city clerk and probate judge shall declare in each and every notice given hereunder and in every order made and entered on the records of the probate court hereunder, that such resolution, notice, or order, as the case may be, is passed, given, or entered under the provisions of this Section.

(10) All territory brought within the corporate limits of a city or town under the provisions of this Section shall be subject to its laws and ordinances and the governing body shall have and exercise the same jurisdiction over such territory as is exercised over all other territory within the corporate limits of the city or town.

Section 4. In the event that any section, sentence, clause or provisions of this act shall be held or declared invalid by any court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this act, but it is the legislative intention in passing this act that such remaining sections, sentences, clauses, and provisions shall nevertheless stand and continue effective.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed, insofar as they conflict with this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 12:03 P.M.

Act No. 587

H. 1014—Hanby, Copeland.

AN ACT

To repeal Act No. 21, H. 27, approved March 23, 1955, entitled "An Act To permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than One Million Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 94,000 inhabitants nor more than 135,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks" (Acts of Alabama 1955, vol. I, p. 130).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 21, H. 27, approved March 23, 1955, entitled "An Act To permit banks now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than One Million Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 94,000 inhabitants nor more than 135,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks" (Acts of Alabama 1955, vol. I, p. 130) is hereby expressly repealed.

Section 2. This Act shall become effective August 1, 1961.

Approved August 29, 1961

Time: 12:04 P.M.

Act No. 588

H. 1022—Hanby, Copeland.

AN ACT

To alter, rearrange, and add to the limits of the City of Attalla, Alabama, and to alter and rearrange the limits of the City of Gadsden, Alabama, by removing certain area from the limits of the City of Gadsden, Alabama, and adding same to the limits of the City of Attalla, Alabama, and to describe the area so removed from the City of Gadsden, Alabama, and so added to the City of Attalla, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Attalla, Alabama, are altered, rearranged, and extended to include within the

corporate limits of said City, certain lots or parcels of land heretofore lying and being in the City of Gadsden, and the boundaries of the City of Gadsden are altered and rearranged to exclude from within the corporate limits of said City the said land which is described as follows:

Lots Numbers One (1), Two (2), Three (3), Twelve (12), Thirteen (13) and Fourteen (14) in Block Number One (1), in James H. Pruett Addition to Gadsden, according to the map thereof recorded in Plat Book "D", page 135, in the Office of the Judge of Probate of Etowah County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 12:05 P.M.

Act No. 589

H. 1039—Copeland, Hanby.

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000 inhabitants; Providing that witness certificates obtained as a State's witness before the Grand Jury or before the Circuit or County Court in which a criminal prosecution is pending shall be paid immediately upon presentation for payment.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The provisions of this Act shall apply only to Counties having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the last or any subsequent federal census.

SECTION 2. When any person is subpoenaed as a witness before the Grand Jury, and procures a certificate of his attendance signed by the foreman of the Grand Jury, said certificate shall be payable in the same manner as Juror's Certificates are paid, said witness certificates shall be null and void and non-negotiable unless presented for payment under the limitations set out under the provisions of Title 12, Section 118 of the Code of Alabama of 1940.

SECTION 3. When any person is subpoenaed as a State witness in a criminal case either in the Circuit Court or the County Court, and procures a certificate of attendance signed by the clerk of said court, said certificate shall be payable in the same manner as Juror's Certificates are paid. Said witness certificates shall be null and void unless presented for pay-

ment under the limitations set out under the provisions of Title 12, Section 118 of the Code of Alabama of 1940.

SECTION 4. The compensation, fees and mileage allowed by law to witnesses summoned before the Grand Jury and to witnesses summoned on behalf of the State in criminal prosecutions in the Circuit Court and County Court, shall be taxed against the defendants as part of the costs, as provided by law, and when collected from defendant and/or the State shall be paid into the General Fund of the County not later than the Tenth day of the succeeding month.

SECTION 5. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 12:06 P.M.

Act No. 590

H. 1041—Britton.

AN ACT

To authorize the sheriff of any county having a population of not less than 15,300 nor more than 15,400 to employ an additional deputy upon approval of the county governing body and to provide for and regulate the payment of compensation to such deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 15,300 nor more than 15,400, according to the 1960 or any subsequent federal decennial census, may employ, upon approval of the court of county commissioners, board of revenue or like county governing body, a deputy in addition to all other deputies authorized by law. Said deputy shall serve at the pleasure of the sheriff and receive a salary of not less than two hundred dollars (\$200) nor more than three hundred fifty dollars (\$350) a month, as determined by the sheriff with approval of said county governing body, payable from the general fund of the county as the salaries of county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 12:07 P.M.

Act No. 591

H. 1047—Barnett, Long (Perry).

AN ACT

To levy additional special privilege license and excise taxes for public school purposes in School District Two of Perry County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; to define the term School District Two as used in this Act; to provide for the collection of such taxes by the county governing body of Perry County, and for the custody, distribution and use of the proceeds thereof; to provide for the administration and enforcement of the Act; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year;

"School District Two" means all of Perry County except that part of the county included in the districts known as School District 35 or Uniontown Beat and School District 36 or Pope's Beat.

Section 2. Effective October 1, 1961, there is hereby levied in School District Two, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within School District Two in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within School District Two in the business of conducting or operating places of amusement or entertainment,

billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within School District Two, an amount equal to one percent of the gross receipts of any such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross proceeds of the sale of machines and machinery used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, and the parts of such machines and machinery, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and machinery and are customarily so used; the gross proceeds of the sales of any automotive vehicle or truck trailer and semi-trailer; and the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on the storage, use, or other consumption in School District Two of tangible personal property purchased at retail, on or after October 1, 1961, for storage, use or other consumption in School District Two, at the rate of one percent of the sale price of such property.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of any new or used automotive vehicle, truck trailer or semi-trailer; any machine or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines or machinery, attachments and replacements therefor which are made or manufactured for use on or in

the operation of such machines or machinery; and any other property, the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in School District Two tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored or consumed in School District Two shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the court of county commissioners, board of revenue or like county governing body of Perry County. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the county governing body a report or return in such form as may be prescribed by such governing body, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as such governing body may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in School District Two (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in School District Two is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the county governing body. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the county governing body a return for the preceding quarterly period in such form as may be prescribed by such governing body, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in School District Two need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within School District Two in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purcha-

ser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Perry County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state applying to or with reference to the enforcement of liens for license taxes due to the State of Alabama shall apply fully to the collection of the taxes levied herein, and the county governing body of Perry County shall have the power and authority to collect and enforce such taxes.

Section 8. The county governing body of Perry County shall promulgate and adopt rules and regulations necessary for the enforcement and collection of the tax levied herein; and it may contract with the State Department of Revenue, or the Commissioner thereof, for the state department to collect and enforce the tax.

Section 9. The revenue derived from the tax herein levied, less the expenses incurred for collecting such revenue shall be remitted to the custodian of the county school funds, who shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county and shall maintain separate records of such special account.

Section 10. The proceeds from the taxes levied in this Act shall be used by the county board of education of Perry County solely for educational purposes in School District Two.

Section 11. The levy of taxes herein made shall terminate at midnight September 30, 1967. When the levy of taxes herein made terminates, all of the provisions of this Act pertaining to the payment and collection of the taxes herein levied, the making of reports and maintenance of records with respect thereto, and in general the enforcement of this Act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to such termination date.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on October 1, 1961.

Approved August 29, 1961
Time: 12:08 P.M.

Act No. 592

H. 1083—Perry, Sessions, Rast, Hawkins,
Edwards, Locke, Morrow.

AN ACT

To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this Act the boundary lines of the City of Homewood, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

All that part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 14, Township 18 South, Range 3 West, situated in Jefferson County, Alabama, which lies southwesterly of the northeasterly right-of-way line of Green Springs Highway and northwesterly of the southeasterly right-of-way line of Oxmoor Road, bounded as follows:

Commence at the intersection of the North-South center line of Section 14, Township 18 South, Range 3 West, in Jef-

ferson County, Alabama, with the northeasterly right-of-way line of Green Springs Highway, run thence in a southeasterly direction along the northeasterly right-of-way line of said Green Springs Highway to its intersection with the southeasterly line of Oxmoor Road; run thence in a southwesterly direction along the southeasterly line of Oxmoor Road to its intersection with the northeasterly right-of-way line of the proposed Interstate Highway; run thence to the right in a northwesterly direction along said northeasterly right-of-way line of said proposed Interstate Highway to a point in said right-of-way (which point is located by commencing at the Southwest corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14, Township 18 South, Range 3 West, and running thence northeasterly along the Northeast-Southwest diagonal line of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 997.26 feet, then turning an angle to the left of 76° 19' run thence northwesterly a distance of 639.83 feet to said point) thence 15° 57' 20" to the right and continuing in a northwesterly direction along the northeasterly right-of-way line of said proposed Interstate Highway run a distance of 656.31 feet to a point; thence 89° 14' to the right in a northeasterly direction run a distance of 966.11 feet, more or less, to the intersection of said line with the northeasterly right-of-way line of Green Springs Highway; run thence to the right in a southeasterly direction along the northeasterly right-of-way line of Green Springs Highway to its intersection with the North-South center line of said Section 14, Township 18 South, Range 3 West, the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 12:09 P.M.

Act No. 593

H. 1084—Perry, Sessions, Morrow, Locke,
Rast, Hawkins, Edwards.

AN ACT

For the relief of Nannie Reeves, as the widow of Benjamin M. Reeves, in the sum of \$1,000.00, in that on, to-wit, September 23, 1957, while engaged in the performance of his duties as an employee of Jefferson County, Alabama, Benjamin M. Reeves suffered an injury to his right leg as a result of which he was confined to the University Hospital in Birmingham, Alabama, where he died as a result of complications following said injury on October 11, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized to draw, or cause to be

drawn, a warrant on the Treasurer of Jefferson County, Alabama, payable to Mrs. Nannie Reeves, as the widow and Executrix of the Estate of Benjamin M. Reeves for the death of her husband, Benjamin M. Reeves, who was injured while in the line and scope of the duties of his employment as a County employee on September 23, 1957, on which date the said Benjamin M. Reeves, while engaged within the performance of his duties, suffered a severe injury to his right leg, as a result of which he was hospitalized in the University Hospital in Birmingham, Alabama, and from which injury complications arose resulting in the death of the said Benjamin M. Reeves on, to-wit, October 11, 1957. Said sum of One Thousand Dollars (\$1,000.00) being for the purpose of compensating Mrs. Nannie Reeves as the widow and Executrix of the Estate of Benjamin M. Reeves, deceased. The Treasurer of Jefferson County, Alabama, is hereby authorized to pay said warrant to the said Nannie Reeves, as widow and Executrix of the Estate of Benjamin M. Reeves, out of such general funds of Jefferson County, Alabama, not otherwise appropriated.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 12:10 P.M.

Act No. 594

H. 1085—Turner.

AN ACT

To fix the compensation of the county solicitor of Limestone County and repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Limestone County shall receive a salary of four thousand two hundred dollars (\$4,200) per annum, payable in equal monthly installments out of the general fund of the county as the salaries of county employees are paid.

Section 2. So much of Act No. 199, H. 603, Local Acts of Alabama 1947, p. 113, approved July 24, 1947, as amended by Act No. 172, H. 482, Acts of Alabama 1953, vol. I, p. 215, approved June 30, 1953 as conflicts with this Act and all other laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect October 1, 1961.

Approved August 29, 1961
Time: 12:11 P.M.

Act No. 595

H. 1086—Turner.

AN ACT

To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, as amended, is amended further to read as follows:

"Section 3. The sheriff may appoint a chief deputy and two other deputies and two jailers, whose salaries shall be fixed by the sheriff. The jailers shall be appointed to serve as jailers or bailiffs and shall not be engaged in law enforcement work. The chief deputy shall receive a salary of not less than one thousand eight hundred dollars (\$1,800) nor more than four thousand two hundred dollars (\$4,200) per annum. Each of the other deputies and the jailers shall receive a salary of not less than one thousand five hundred dollars (\$1,500) nor more than three thousand nine hundred dollars (\$3,900) per annum. The sheriff may also appoint a clerk, who shall be employed three working days each week, and shall receive a salary of two thousand one hundred dollars (\$2,100) per annum. All of the salaries provided for herein shall be paid by the county in equal monthly installments as salaries of other county employees are paid."

Section 2. All laws or parts of laws, general, special or local, which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 29, 1961

Time: 12:12 P.M.

Act No. 596

H. 1087—Turner.

AN ACT

To authorize the employment of an additional clerk by the circuit clerk and register in chancery of Limestone County and to provide for the compensation of such clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit clerk and register in chancery of Limestone County may employ a clerk, in addition to any em-

ployees now employed in the office of the circuit clerk or of the register in chancery, whose salary shall not exceed two hundred dollars (\$200) a month to be paid in equal monthly payments from the funds of the county in the same manner as the other employees of the county are paid.

Section 2. All laws or parts of laws, general, special or local, which conflict with this Act are repealed.

Section 3. This Act shall take effect October 1, 1961.

Approved August 29, 1961

Time: 12:13 P.M.

Act No. 597

H. 1090—Dickson, Brooks.

AN ACT

To amend Section 9 of Act No. 746, H. 1075, approved September 23, 1957, entitled "An Act Relating to privilege licenses; levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Lowndes County; providing for the assessment, collection, and use of the proceeds of the tax and for the adoption and promulgation of rules and regulations therefor by the governing body of said county; defining violations of the Act; and prescribing penalties therefor" (Acts of Alabama 1957, vol. II, p. 1178).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 746, H. 1075, approved September 23, 1957, entitled "An Act Relating to privilege licenses; levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Lowndes County; providing for the assessment, collection, and use of the proceeds of the tax and for the adoption and promulgation of rules and regulations therefor by the governing body of said county; defining violations of the Act; and prescribing penalties therefor," (Acts of Alabama 1957, vol. II, p. 1178) is hereby amended to read as follows:

"Section 9. (a) The license tax imposed by this Act shall be paid to the judge of probate and the judge of probate after first reimbursing the county general fund for expenses incurred in the administration and enforcement of this Act, and after deducting for his own use and benefit the commission as hereinafter provided, shall, between the eleventh and twentieth days of each month pay over the remainder of the proceeds of said tax to the custodian of the public school funds of Lowndes County. All proceeds of said tax when so paid over to the custodian of the public school funds shall be expended by the county board of education of Lowndes County for the general expenses of the public schools of the county.

“(b) For his services as provided in this Act the judge of probate shall be entitled to a commission of two and one-half per cent (2½%) of the amount of tax collected by him.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:00 P.M.

Act No. 598

H. 1091—Brannan.

AN ACT

To alter or rearrange the boundary lines of the Town of Daphne, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Daphne, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Daphne and in addition thereto the following described territory, to-wit:

From the Northeast corner of Section 29, Township 5 South, Range 2 East, run South along the East side of Section 29 one-half mile; thence run West on the half section line to the West side of Section 29; thence run North on said West line of said Section 29, to the Southeast corner of Section 42, Township 5 South, Range 2 East, otherwise known as Thomas Durnford Grant; thence run West on the South side of Section 42 to Mobile Bay; thence run Northward, following the meanderings of Mobile Bay, to the Northwest corner of Section 42; thence run East to the Point of Beginning; and being the property bounded on the North by the present limits of the Town of Daphne, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:01 P.M.

Act No. 599

H. 1092—Ashworth.

AN ACT

To provide for the institution and prosecution of misdemeanors in the circuit court of Bibb County, Alabama, otherwise than by indictment by the grand jury; to authorize and empower the clerk of the circuit court of Bibb County to take oaths in support of complaints or affidavits and to issue warrants of arrest thereon in such cases returnable to the circuit court of Bibb County; to authorize and empower the said clerk to receive a plea of guilty by the defendant in such cases and set, assess or fix the fine on said plea within the limits allowed by law; and to provide for the formal minute entry and/or judgment entry to be made by a judge of said court on a subsequent date without the presence of the defendant.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect prosecution of persons charged with a misdemeanor in Bibb County, Alabama, may be begun, without indictment by the grand jury of said county, by affidavit made before the clerk of the circuit court of Bibb County, and warrant of arrest issued thereon by said clerk returnable to the circuit court; and thereupon the jurisdiction of the circuit court shall attach, and the case shall proceed to trial upon said affidavit, without indictment, under the same rules and procedure as is provided by law in misdemeanor cases.

Section 2. In all cases instituted in the manner provided in section 1 of this Act the defendant may appear before the clerk of said court and make and enter a plea of guilty, without the presence of the judge of said court, and the clerk may receive and enter of record the plea and set, assess, or fix the defendant's fine within the limits allowed by law for such case and receive payment thereof; and in such event the judge of the court may enter a formal minute entry and/or judgment entry thereafter in such case without the presence of the defendant.

Section 3. Nothing in this Act shall be construed so as to interfere in any manner with or affect prosecutions for misdemeanors upon indictments found and returned by the grand jury in the circuit court of Bibb County, Alabama.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor of Alabama, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 10:02 P.M.

Act No. 600

H. 1115—Brannan.

AN ACT

To repeal Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1140).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census," (Acts of Alabama 1959, vol. II, p. 1140) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 29, 1961

Time: 10:10 P.M.

Act No. 601

H. 1117—Brannan.

AN ACT

To repeal Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid" (Acts of Alabama 1955, vol. I, p. 157).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid," (Acts of Alabama 1955, vol. I, p. 157) is hereby expressly repealed.

Section 2. This Act shall take effect August 1, 1961.

Approved August 29, 1961

Time: 10:11 P.M.

Act No. 602

H. 1162—Boyd, Bassett.

AN ACT

To fix the compensation of the coroner in any county in Alabama having a population of not less than 25,800 nor more than 26,700 according to the 1960 or any subsequent decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in any county in Alabama having a population of not less than 25,800 nor more than 26,700 according to the 1960 or any subsequent decennial federal census shall be paid a salary of four hundred dollars (\$400) a year, payable in equal monthly installments out of the general fund of the county on warrants drawn upon the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:12 P.M.

 Act No. 603

H. 1166—Lee, Thomas.

AN ACT

To alter, extend, and rearrange the boundary lines and corporate limits of the town of Clayton in Barbour County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Clayton in Barbour County, Alabama, are hereby altered, extended, and rearranged so that all of the lands hereinafter described not heretofore being embraced in the limits of such town and any and all other territory presently embraced therein will lie and be within the boundaries and corporate limits of such town:

Beginning at the northeast corner of the present corporate limits of the town of Clayton in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 11, Range 26; thence due west, along the north boundary line of the present corporate limits of the town of Clayton to the northwest corner of the present corporate limits of such town in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32,

Township 11, Range 26, and continue on a projection of such north boundary line due west to the point where the projection of such north boundary line intersects the west section line of Section 32 of said Township 11, Range 26; thence due south along said section line and the west section line of Section 5 of Township 10, Range 26, to the southwest corner of said Section 5, Township 10, Range 26; thence due east along the south line of said Section 5 and the south line of Section 4, Township 10, Range 26, to the southeast corner of said Section 4; thence due north along the east line of said Section 4 and the east line of Section 33, Township 11, Range 26, to the point where a projection due east of the north boundary of the present corporate limits of the town of Clayton would intersect said east section line of said Section 33, Township 11, Range 26; thence due west along the projection of the north boundary line to the northeast corner of the present corporate limits of the town of Clayton, which was the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:13 P.M.

Act No. 604

H. 1169—Callahan, Ferguson.

AN ACT

To amend Sections 7, 9 and 11 of Act No. 328, H. 854, approved October 29, 1959, An Act to create in the City of Tuscaloosa, Alabama, a fund to be known as the Firemen's and Policemen's Pension and Relief Fund, so as to require additional contribution to the fund by each fireman and policeman eligible to participate in the fund; to require additional contribution to the fund out of the treasury of the city; to permit the board of trustees of the fund to employ an agent or investment counselor; to direct periodic actuarial studies of the fund; and to authorize additional investments of a portion of the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 328, adopted at the 1959 Regular Session of the Legislature of Alabama, is hereby amended to read as follows:

"Section 7. Composition of Fund.

Said firemen's and policemen's pension and relief fund shall be derived, obtained, and created as follows: A. From the salary of each fireman and each policeman there shall be deducted, as the same becomes payable, and paid into said fund, an amount equal to nine per centum of the amount of such

salary. Provided that whenever a member of the fire or police department of such city is ineligible to participate in the benefits of such fund by reason of the provisions of this Act, neither such ineligible member nor his salary or other compensation shall be subject to any assessment for the benefit of such fund.

B. Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Thousand Dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement, in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Hundred Dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and

Relief Fund shall be treated and held to be a part of the maximum of four per cent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37 of the Code of Alabama of 1940 as amended or as the same may be amended. C. All firemen and policemen shall promptly pay into such fund all witness fees in criminal cases, and in cases in which they have been summoned by the city, received by them from any court in the county in which such city is situated, and all moneys received by them or any of them as a reward or gratuity for the apprehension of any person, the furnishing of any evidence, the recovery or saving of any property, services at any fire, or otherwise received by them for similar service or for work in the line of his duty. D. There shall be paid into such fund, as and when received, all liquor seizure fees received by any policeman or to which he may be entitled and all amounts received by the city from the State Alcohol Beverage Control Board for confiscated liquors and beverages delivered to it as required by law. E. The Board of Trustees may take by gift, grant, devise or bequest, any money, personal property, real estate or any interest therein or any right of property; and any such gift, grant, devise or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. F. The governing body of the city shall cause to be paid into such fund out of the treasury of such city, an amount equal to nine per centum of the salary of each member of such fire and police department who is eligible to participate in the benefits of such fund, such payment to be made to such fund as and when such salary becomes payable, and deduction therefrom is made as provided in this section."

Section 2. Section 9 of Act No. 328, adopted at the 1959 Regular Session of the Legislature of Alabama, is hereby amended to read as follows:

"Section 9. Board to Manage and Control Fund.

The Board of Trustees shall be the trustee of such fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, and to en-

able it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this Act, but shall be in conformity thereto. The Board of Trustees may employ an investment counselor or agent to invest and manage such portion of the Fund as the Board may direct. The Board of Trustees shall hear and decide all applications for pension or relief under this Act and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by said Board. It shall cause to be kept a record of all its meetings and proceedings. From and after the election of members of the Board of Trustees in January of 1962, five members of said Board shall constitute a quorum for the transaction of any and all business of said Board and the affirmative vote of five members shall be necessary and sufficient to adopt any resolution; prior to the election of additional trustees in 1962, three members of the Board shall constitute such quorum. Meeting of said Board shall be held in the council chamber in the city hall at such time as it may be called to meet by the Chairman or by any two members. Neither the secretary, treasurer, custodian, nor any member of said Board, shall receive any salary or compensation for his services. The Board of Trustees shall cause an actuarial study to be made of the Fund by some person, firm or corporation experienced in actuarial evaluation on or before January 30, 1967, and at least once every six (6) years, thereafter and cause the results of such study to be made available to all firemen and policemen who participate in the Fund."

Section 3. Section 11 of Act No. 328, adopted at the 1959 Regular Session of the Legislature of Alabama, is hereby amended to read as follows:

"Section 11. Investment of Portion of Fund.

The Board of Trustees, after considering the probable demands upon the fund, may invest such portion of it as may be safely withdrawn for the purpose. Of that portion of the fund which the Board of Trustees has determined to be available for investment, not less than forty per cent (40 per cent) shall be invested, or held for investment, in interest bearing bond or securities of the United States of America, bonds of any state in the United States, any bonds lawfully issued by municipalities in the United States, or invested in any insured savings and loan association to the extent that such investment is insured by the Federal Savings and Loan Insurance Corporation; not exceeding thirty per cent (30 per cent) of the money deemed available for investment may be invested in corporate

stocks and bonds; not exceeding thirty per cent (30 per cent) of the money deemed available for investment may be invested in real estate loans, secured by a first mortgage thereon. All income from investments shall be and become a part of the fund. All securities belonging to the fund shall be deposited with the treasurer of the fund or, in the event that a financial agent has been employed, may be held by the financial agent and shall be subject to the direction and control of the Board of Trustees."

Section 4. Effective Date.

This Act shall become effective on and after the 1st day of October, 1961.

Approved August 29, 1961

Time: 10:14 P.M.

Act No. 605

H. 1170—Callahan, Ferguson.

AN ACT

To alter the corporate limits of the City of Tuscaloosa, and to re-arrange and define the boundaries thereof.

Be It Enacted by the Legislature of Alabama:

Section One: That the boundaries of the City of Tuscaloosa, in the County of Tuscaloosa, State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of the said City all of the territory lying within the County of Tuscaloosa, included within the following described boundaries, namely:

PARCEL NO. ONE

As a point of beginning start at the Northwest corner of the Southeast One-fourth of the Southeast One-fourth of Section 21, Township 21 South, Range 9 West, which point is on the present city limits of the City of Tuscaloosa, Alabama; thence Southwardly along the West boundary of said Southeast One-fourth of the Southeast One-fourth to the Northeast corner of the South half of the Southwest One-fourth of the Southeast One-fourth of said Section 21; thence Westwardly along the North boundary of said South half of the Southwest One-fourth of the Southeast One-fourth to an intersection with the Northeast boundary of U. S. Highway No. 11 (Business Route); thence Southeastwardly along the Northeast boundary of said U. S. Highway No. 11 to an intersection with the East boundary of Lot 4, Block "A", of the Avalon Park Survey, a

plat of which is recorded in Plat Book 5 at Page 182, in the Probate Office of Tuscaloosa County, Alabama; thence Northwardly along the East boundary of said Lot 4, Block "A", Avalon Park to the Northeast corner of said Lot 4; thence Eastwardly and along the South boundary of the Lynn Haven Survey, a plat of which is recorded in Plat Book 5 at Page 173, in the Probate Office of Tuscaloosa County, Alabama, to the Southeast corner of said Lynn Haven Survey; thence Northwardly along the East boundary of said Lynn Haven Survey to the South boundary of the Old Birmingham Highway; thence Westwardly (or slightly Southwestwardly) along the South boundary of the Old Birmingham Highway to the Northeast corner of Lot 7, Block 1, of said Lynn Haven; thence Northwestwardly to the Southeast corner of Lot 5, Block 8, Lynn Haven; thence continue Northwestwardly along the Northeast boundary of said Lot 5, which is also the Southwest boundary of Timbrook Road, to an intersection with the North boundary of the Southeast One-fourth of the Southeast One-fourth of said Section 21; thence Westwardly along the North boundary of said Southeast One-fourth of the Southeast One-fourth to the Northwest corner of said Southeast One-fourth of the Southeast One-fourth, which is the point of beginning.

PARCEL NO. TWO

As a point of beginning start at the Northeast corner of Lot 29, Block 7, of the Lynn Haven Survey, a plat of said survey being recorded in Plat Book 5, at Page 173, in the Probate Office of Tuscaloosa County, Alabama; thence Northwardly along the prolongation of the East boundary of said Lot 29 to a point on the North boundary and Northwest boundary of the Old Birmingham Highway (Alabama State Highway No. 116); thence Eastwardly and Northeastwardly along the North boundary of said Alabama State Highway No. 116 to an intersection with the South boundary of Section 14, Township 21 South, Range 9 West; thence Eastwardly along the South boundary of said Section 14 to the Southeast corner of said Section 14; thence Northwardly along the East boundary of said Section 14 to the Northeast corner of the Southeast One-fourth of said Section 14; thence Westwardly along the North boundary of the South half of said Section 14 to the Northwest corner of the Southwest One-fourth of the said Section 14; thence continue Westwardly along the North boundary of the Northeast One-fourth of the Southeast One-fourth of Section 15, Township 21 South, Range 9 West, to an intersection with the center of Hurricane Creek; thence Southwardly along the meanderings of the center line of said Hurricane Creek to its second intersection with the West boundary of the Southwest One-fourth

of the Southeast One-fourth of said Section 15; thence continue Southwardly along the West boundary of the Southwest One-fourth of the Southeast One-fourth to the Southwest corner of said Southwest One-fourth of the Southeast One-fourth; thence Westwardly along the North boundary of the Northeast One-fourth of the Northwest One-fourth of Section 22, Township 21 South, Range 9 West to the Northwest corner of said Northeast One-fourth of the Northwest One-fourth; thence Southwardly along the West boundary of said Northeast One-fourth of the Northwest One-fourth and the West boundary of the Southeast One-fourth of the Northwest One-fourth of said Section 22 to a point that is 200.0 feet North of the Southwest corner of said Southeast One-fourth of the Northwest One-fourth; thence Eastwardly and parallel to the South boundary of said Southeast One-fourth of the Northwest One-fourth for a distance of 100.0 feet to a point; thence Southwardly and parallel to the West boundary of said Southeast One-fourth of the Northwest One-fourth for a distance of 200.0 feet to a point on the South boundary of said Southeast One-fourth of the Northwest One-fourth; thence Eastwardly along the South boundary of said Southeast One-fourth of the Northwest One-fourth for a distance of 524.5 feet to a point; thence South 3° 23' East for a distance of 639.5 feet, more or less, to a point that is 5.0 feet North of the North boundary of the right-of-way of the Old Birmingham Highway (Alabama State Highway No. 116); thence Westwardly, parallel to, and 5.0 feet North of the North boundary of the right-of-way of said Alabama State Highway No. 116 to a point that is on the prolongation Northwardly of the West boundary of Lot 29, Block 7, of the Lynn Haven Survey; thence Southwardly and along the prolongation of the West boundary of said Lot 29 to the Northwest corner of said Lot 29; thence Eastwardly along the North boundary of said Lot 29 to the Northeast corner of said Lot 29, which is the point of beginning of the property herein described.

Section Two: That all laws and parts of law, general, special and local, in conflict with this Act be and the same are hereby repealed.

Section Three: That this Act shall go into effect immediately upon its approval by the Governor.

Approved August 29, 1961

Time: 10:15 P.M.

Act No. 606

H. 1171—Gilchrist, Brewer.

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

All that part of Pennyacres Subdivision Addition No. 4 to Decatur, Alabama, as shown by map of record in the Probate Office of Morgan County, Alabama, and all that part of the right-of-way of 13th Street S. E., lying North of said Pennyacres Subdivision Addition No. 4, not now embraced within the boundary lines of the City of Decatur, being further described as beginning at a point on the present boundary lines of the City of Decatur at the intersection of the North line of 13th Street S. E., with the West line of 24th Avenue S. E.; thence East along the North line of 13th Street S. E., approximately 2272.89 feet to the Northeast corner of said Pennyacres Subdivision Addition No. 4 at a point on the East line of 27th Avenue S. E.; thence South along the East line of said Pennyacres Subdivision Addition No. 4 a distance of 1724.31 feet, more or less, to a point on the South line of said Pennyacres Subdivision Addition No. 4, which is also on the present boundary line of the City of Decatur; thence West along the South line of said Pennyacres Subdivision Addition No. 4 a distance of 885.24 feet, more or less, to the West line of Section 27, Township 5 South, Range 4 West; thence North along the said West line of said Section 27, a distance of 1665.20 feet, more or less, to a point on the South line of 13th Street S. E.; thence West along the South line of 13th Street S. E., to the West line of 24th Avenue S. E.; thence North along the West line of 24th Avenue S. E., to the point of beginning.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved August 29, 1961

Time: 10:16 P.M.

Act No. 607

H. 1172—Brewer, Gilchrist.

AN ACT

To extend the boundary lines of the City of Decatur in Morgan County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur in Morgan County, Alabama, be and the same are hereby extended so as to include in addition to the territory now embraced therein the following described property, to wit:

Beginning at the SW corner of the NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West, and running east along the south margin of the NE $\frac{1}{4}$ of said Section 33 a distance of 1325.37 feet to a point at the intersection of the south margin of Acrilane SE and the east margin of Calumet Avenue SE, if extended, the true point of beginning; thence continuing east along the south margin of Acrilane SE, 180 feet to a point; thence turning a deflection angle of $89^{\circ} 46' 30''$ to the left and running northerly along the east margin of a 20 foot alley 1190.76 feet to a point on the SW corner of Lot 27, Brookmead Subdivision Addition No. 5, as shown by map or plat of said addition on file in the office of the Judge of Probate of Morgan County, Alabama; thence turning an angle of 90° and running easterly along the south margin of said Lot 27 for a distance of 160 feet to the west margin of Brookwood Drive SE; thence turning an angle of 90° and running southerly along the west margin of Brookwood Drive, SE, 23.4 feet to a point; thence running an angle of 90° and running easterly 230 feet to the east margin of a 20 foot alley; thence turning an angle of 90° and running northerly along the east margin of said 20 foot alley 776.25 feet to the north margin of Quince Drive SE; thence turning an angle of $89^{\circ} 35'$ measured clockwise from back tangent and running westerly along the north margin of Quince Drive SE 30 feet to a point; thence turning an angle of $89^{\circ} 35'$ measured counterclockwise from back tangent and running northerly 190 feet to the north margin of a 20 foot alley; thence turning an angle of $89^{\circ} 35'$ measured clockwise from back tangent and running westerly along the north margin of said 20 foot alley 10 feet to a point; thence turning an angle of $89^{\circ} 35'$ measured counterclockwise from back tangent and running northerly 170 feet to the south margin of Stratford Road SE; thence turning an angle of $89^{\circ} 35'$ measured clockwise from back tangent and running westerly along the south margin of Stratford Road SE 530 feet to a point on the NW corner of Lot "A", Brook-

mead Subdivision, Addition No. 3, as shown by map or plat of said addition on file in the office of the Judge of Probate of Morgan County, Alabama; thence turning an angle of 90° 25' measured clockwise from back tangent and running southerly 2300.17 feet to the true point of beginning.

All the herein described land lying and being in the NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West, Morgan County, Alabama, and containing 18.749 acres.

Section 2. This act shall be effective immediately upon its passage and approval by the Governor.

Approved August 29, 1961

Time: 10:17 P.M.

Act No. 608

H. 1173—Hain, Hardy, Gilmer.

AN ACT

To repeal Act No. 221, H. 577, Regular Session 1959, an act providing that cities having populations of not less than 20,000 nor more than 23,000 may enact ordinances to establish and maintain general systems of pensions and retirements for the benefit of their regular employees (Acts of Alabama 1959, vol. 1, p. 759).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 221, H. 577, Regular Session 1959, an act providing that cities having populations of not less than 20,000 nor more than 23,000 may enact ordinances to establish and maintain general systems of pensions and retirements for the benefit of their regular employees (Acts of Alabama 1959, vol. 1, p. 759) is hereby expressly repealed.

Section 2. This Act shall take effect on the reclassification date fixed by Code of Alabama 1940, Title 1, Section 14, as amended, for the reclassification of cities and counties under special laws based on population.

Approved August 29, 1961

Time: 10:18 P.M.

Act No. 609

H. 1174—Hardy, Hain, Gilmer, Brewer.

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 28,000 and not exceeding 30,000 inhabitants, according to the 1960 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain

a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provided for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and have application in all cities in the State of Alabama having a population exceeding 28,000 and not exceeding 30,000 inhabitants according to the 1960 or any succeeding regular decennial Federal Census

or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to any city for which a retirement system has heretofore been established by local act of the Alabama Legislature, or have application in, any other city. Any such city may enact ordinances to establish and maintain a general system of pensions and retirements, which may include allowances payable on retirement for age or disability, or benefits on separation from service, with necessary classification and terms of admission; and to provide that upon the establishment of any system of pensions and retirements the hereinafter named employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as may be deemed expedient to admission to such pension or retirement system. Said general system of pensions and retirements shall be for the benefit of such city's regular employees and the regular employees of any Board or Commission and any person or persons employed by such city and performing the duties of a regular employee in the service of the city and whose compensation is computed on a per diem basis shall be considered a regular employee in the service of the city, and the time during which such employee is or has been employed on a per diem basis shall be considered continuous and such employee shall be given credit for being an employee in the service of the city during the entire period of time that he or she has been available for service on a per diem basis and his or her employment shall, for the purpose of computing his or her length of service, be treated as though said employee has been a permanent and regular employee of the city for the entire period for which he or she has been on call or serving and performing his or her duties as a regular employee in the service of the city notwithstanding the fact that his or her compensation or salary was computed on a per diem basis. It is the intention here to provide that an employee who performs the duties of a regular employee in the service of the city, although his or her compensation is computed on a per diem basis, shall have his or her length of service in employment computed and counted for the entire period for which said employee has been engaged and on call and available for continuous service. Such ordinances shall prescribe the manner in which the system may be conducted and its funds collected and disbursed.

Section 2. Cities enacting such ordinances as provided in Section 1 shall establish such board for the administration of the fund as is deemed expedient, or may provide for the governing body of the city as the administrative board. The board

provided for in this section is hereafter referred to as the Board.

Section 3. The participating employees and the city shall contribute to the funds of such retirement system organized under the provisions of this act, and the rates of contribution shall be fixed by the Board upon the basis of actuarial valuations and shall be adequate to support the benefits granted. The Board shall have prepared annually an actuarial valuation of the assets and liabilities of the system, and on the basis of such valuations may increase or decrease the rates of contribution whenever such action is deemed by the Board to be necessary to preserve the solvency and equity of the system.

Section 4. A pension or retirement system organized under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per centum per annum and mortality, disability and other experience tables based on reliable experience for such, or a similar group of employees, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the ordinance; provided, however, that the reserves required in respect of service rendered or benefits granted prior to the date of organization of such system under the provisions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment hereunder.

Section 5. The organization under this act of a retirement system may provide for the cessation, limitation, or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system, provided that any funds of such former system transferred to the newly organized system shall be first applied to the payment of the benefits on account of which such funds were contributed. None of the provisions of this act shall apply to any city for which a retirement system has heretofore been established by local act of the Alabama Legislature.

Section 6. The funds of such retirement system organized under the provisions of this act shall be held independently of the funds in the treasury of the city, and shall constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system. The ordinance shall provide for trustees, who may be members of the Board, to invest and reinvest the funds of the system under such terms and restrictions in the manner of making investments as are pro-

vided in Act No. 515, approved July 9, 1945, establishing a state employee's retirement system, found in General Acts of Alabama of 1945, pages 734 to 752.

Section 7. The property of a pension or retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of any member of the system. No assignment of any right in or to said funds, or of any benefit payable under the provisions of the ordinance, shall be valid.

Section 8. If any section, paragraph, sentence, clause, provision or portion of this act be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act, not in itself unconstitutional or invalid.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:19 P.M.

Act No. 610

H. 1175—Nichols.

AN ACT

To alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

The North Half of the Northeast Quarter and all that portion of the South Half of the Northeast Quarter of Section 21 of Township 21 South of Range 4, East, that lies North and West of the center line of the L & N Railroad Company; all being in Section 21 of Township 21 South of Range 4 East, and all of the same being in Talladega County, Alabama.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:20 P.M.

Act No. 611

H. 1176—Nichols.

AN ACT

To alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

The East Half of the Southwest quarter of Section 21 of Township 21 South of Range 4 East; the East Half of the Northwest quarter and the Northeast Quarter of the Southwest quarter of Section 28 of Township 21 South of Range 4 East, all of the same being in Talladega County, Alabama.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:21 P.M.

Act No. 612

H. 1178—Murphy, Engel, Trimmier.

AN ACT

To provide that in all counties having populations of not less than 300,000 nor more than 500,000, according to the 1960 or any subsequent federal decennial census, the governing body of the county shall be authorized to close the offices of all officials, except those of the board of registrars, in their respective courthouses and any annex to such courthouse on certain days.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the 1960 or any subsequent federal decennial census, the court of county commissioners, board of revenue or other like county governing body may authorize the closing of the offices of all officials in their respective courthouses and in all annexes thereto, including the offices of the probate judge, the tax assessor and the tax collector, but not the office of the board of registrars, on Saturdays, Sundays and legal holidays, and on such other day or days as it may determine, by adoption of an appropriate resolution spread upon the minutes of its proceedings.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:22 P.M.

Act No. 613

H. 1179—Murphy, Engel, Trimmier.

AN ACT

To apply in all cities of this state having populations of not less than 200,000 and not more than 300,000, according to the 1960 or any subsequent federal decennial census; to authorize payment to the widows and children of certain decedents who had formerly been employees of such cities, or departments, or agencies thereof, of certain refunds of contributions made by such decedent to a pension, relief, or retirement fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in cities of this state which have populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The widow and children of any decedent who was at the time of his death, an employee of any city to which this Act applies, or an employee of any department or agency of any such city, or retired from such employment, and while so employed had been a member of and contributed to a pension, relief, or retirement fund for employees of such city, governed by a law which authorized a refund or the repayment of an employee's contributions to such employee upon separation from the service of the city (whether voluntary or otherwise), but who had not received such refund or repayment of his contributions during his lifetime, shall be entitled to such refund, unless such decedent had filed with the governing board of the fund a statement in writing designating a beneficiary for such refund or had disposed of such refund by will. The pension board or other governing body charged with the custody of the pension, relief, or retirement fund and authorized to make such refund to employees upon separation from service, is hereby authorized to make such refund or repayment to any widow and children of a decedent who are entitled thereto under this Act; and, if the children or any of them entitled to share in such refund are minors, the share thereof due such minor children shall be paid to the widow or other person having the actual custody and control of such minor children. Any refund or return of contributions made pursuant to this Act shall be exempt from levy and sale, garnishment, attachment, or other process for the satisfaction of debts of the decedent and unless bequeathed by will shall not be deemed a part of the estate of the decedent subject to administration.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:23 P.M.

Act No. 614

H. 1180—Engel, Trimmier, Murphy.

AN ACT

To amend the title and Section 2 of Act No. 346, H. 250, approved July 9, 1945, an act providing special meetings for registrars (General Acts of Alabama 1945, p. 563), so as to specify the meeting days for registrars of counties having populations of not less than 300,000 nor more than 500,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 346, H. 250, approved July 9, 1945, entitled "An Act to facilitate the registration to vote of persons in the armed forces of the United States and affiliated organizations and to facilitate the registration of all other persons who are eligible for registration by providing for meetings of the Board of Registrars in every county in this State on the first and third Mondays in each month," (General Acts of Alabama 1945, p. 563) is amended to read as follows:

"An Act to facilitate the registration to vote of persons in the armed forces of the United States and affiliated organizations and to facilitate the registration of all other persons who are eligible for registration by providing for meetings of the Board of Registrars."

Section 2. Section 2 of said Act No. 346, H. 250, approved July 9, 1945, is amended to read as follows:

"Section 2. That the Board of Registrars of every county of the State of Alabama shall be in session at the court house, or one of the court houses, of their county on the first and third Mondays in each month for the purpose of registering all persons in the armed forces of the United States, Merchant Marine, Red Cross, and other affiliated organizations, stationed or serving outside the county of their residence, and all other persons otherwise qualified under the laws of the State of Alabama to register, except that in all counties having populations of not less than 300,000 nor more than 500,-

000 according to the 1960 or any subsequent federal decennial census, the Board of Registrars shall meet for one week each month beginning on the first Monday in February of each year and on the first Monday of each month thereafter in lieu of the first-and-third-Monday meetings required by this section."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:24 P.M.

Act No. 615

H. 1181—Engel, Trimmier, Murphy.

AN ACT

To repeal Act No. 372, H. 648, approved July 6, 1945, entitled "An Act to provide additional compensation for the members of the Board of Registrars in all counties of this State having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census," (General Acts of Alabama, p. 595).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 372, H. 648, approved July 6, 1945, entitled "An Act to provide additional compensation for the members of the Board of Registrars in all counties of this State having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census," (General Acts of Alabama, p. 595) is hereby repealed.

Section 2. This Act shall take effect on the reclassification date as specified in Code of Alabama 1940, Title 1, Section 14, as amended.

Approved August 29, 1961

Time: 10:25 P.M.

Act No. 616

H. 1182—Engel, Trimmier, Murphy.

AN ACT

To provide additional compensation for the members of the Board of Registrars in all counties of this State having a population of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent Federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having a population of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent Federal census the members

of the Board of Registrars shall each receive the sum of \$5.00 per day for each day's attendance upon the sessions of the board which shall be in addition to all compensation now provided by law. The additional compensation herein provided shall be paid out of the general fund of such Counties.

Section 2. This Act shall take effect on the reclassification date as specified in Code of Alabama 1940, Title 1, Section 14, as amended..

Approved August 29, 1961
Time: 10:26 P.M.

Act No. 617

H. 1184—Smith (St. Clair).

AN ACT

To alter or rearrange the boundary lines of the City of Pell City, St. Clair County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Pell City, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in St. Clair County, Alabama, described as follows:

The Southwest quarter of the Northwest Quarter, Section 31, Township 16, Range 4 East, St. Clair County, Alabama.

Section 2. That the boundaries as set out in Section 1 of this Act, be and the same are hereby established as the corporate limits of the City of Pell City, St. Clair County, Alabama, and all territory now within the corporate limits of said City together with those lands embraced in said boundaries described above shall hereafter be and constitute the City of Pell City, St. Clair County, Alabama.

Section 3. This Act shall go into effect immediately upon the passage and approval of the Governor.

Approved August 29, 1961
Time: 10:27 P.M.

Act No. 618

H. 1185—Smith (St. Clair).

AN ACT

To alter or rearrange the boundary lines of the Town of Springville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Springville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in St. Clair County, Alabama, described as follows:

Southwest quarter of Southwest quarter of Section 31, township 14, range 2, East; Southeast diagonal half of the Southwest quarter of Southeast quarter, and the East half of the Southeast quarter of Section 30, Township 14, Range 2, East. The Southwest quarter of Section 29, Township 14, Range 2, East. The East half of the Northeast quarter of the Northeast quarter of Section 36, and the Southeast quarter of Southeast quarter of Section 25, Township 14, Range 1, East. The South half of the Southwest quarter of Section 30, Township 14, Range 2, East. Also all that portion of North half of Southeast quarter of Section 31, township 14, range 2, East lying South and East of present Town limit line in said North half of Southeast quarter with intention to include within the Town limits all of the North half of Southeast quarter of Section 31, township 14, range 2, East, situated in St. Clair County, Alabama.

Section 2. That the boundaries as set out in Section 1 of this Act, be and the same are hereby established as the corporate limits of the town of Springville, St. Clair County, Alabama, and all territory now within the corporate limits of said Town together with those lands embraced in said boundaries described above shall hereafter be and constitute the Town of Springville, St. Clair County, Alabama.

Section 3. This Act shall go into effect immediately upon the passage and approval of the Governor.

Approved August 29, 1961

Time: 10:28 P.M.

AN ACT

To amend Section 8 of Act No. 273 of the Legislature of Alabama, Regular Session of 1947, approved August 7, 1947, and designated "The Civil Service Act of Dothan."

Be It Enacted by the Legislature of Alabama:

SECTION (1): That Section 8 of Act No. 273 of the Legislature of Alabama, Regular Session of 1947, approved August 7, 1947, and designated "The Civil Service Act of Dothan" is amended to read as follows:

"Section 8. PERSONNEL BOARD. The Personnel Board shall consist of three members and they and their successors in office shall be elected or appointed by the Citizens Supervisory Committee and their terms of office shall be: two years, four years and six years, respectively, beginning as of the effective date of this Act, and their successors in office shall serve for a period of six years and until their successors in office have duly qualified. The Committee shall designate the member whose term of office shall be two years; the member whose term of office shall be four years; and the member whose term of office shall be six years; and the chairman of the Board shall be the member chosen to serve for the term of six years. Each member shall be: (a) over twenty-one years of age, (b) of recognized good character and executive ability, (c) a bona fide resident of Dothan, and (d) a qualified elector of Dothan. No person shall be elected or appointed as a member of said Board if he is or has been within three years next preceding the date of his appointment a candidate for public office in the City of Dothan; and any member of said Board who shall receive an appointment to any public office in the City or Houston County or becomes a candidate for any public office in the City or Houston County shall forthwith forfeit his position as a member of said Board. Each member shall receive \$10.00 for each meeting of the Board actually attended by him, provided no member shall receive more than \$200.00 for services during any one year. The Board shall meet once each month, on dates to be fixed by its Rules and Regulations, and oftener if it becomes necessary for the orderly dispatch of its business. The Board shall have the power and authority and it shall be its duty to: (a) select a Personnel Director of the City of Dothan; (b) adopt Rules and Regulations for the administration of the provisions of this Act; (c) approve, modify, revise and reject recommendations made by the Director; (d) make reasonable investigation of all charges or complaints presented to it, concerning the observ-

ance of the provisions of this Act; (e) enforce the provisions of this Act and the provisions of the Rules and Regulations made in pursuance thereof; (f) consider and determine all matters referred to it by the Director; (g) do all things necessary and proper to improve the administration of the Classified Service hereby established; (h) advise with and assist the Director in fostering and promoting the public interest; (i) adopt rules providing for subrogation of the City to the rights of an employee against a third party to the extent of all salary and other expenditures made or to be made by the City to or for such employee because of injuries received while in line of duty due to the negligence of such third party; and (j) exercise all other powers, functions and duties provided by this Act or essential to its effective administration."

SEC. (2) This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 10:29 P.M.

Act No. 620

H. 1193—Thomas, Lee.

AN ACT

To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of recording deeds, mortgages, deeds of trust, bills of sale, contracts or other instruments, purporting to convey any right, title, easement or interest in any real estate or personal property, and all assignments of mortgages, deeds of trust, or other securities for debt, or extension agreements with respect thereto, when executed in accordance with law, shall be admitted to record in the respective offices of the Judge of Probate of Barbour County as hereinafter set out.

Section 2. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South boundary of said county at a point three miles West of the range line between Range 27 and Range 28, from thence running North in a straight line three miles West of and parallel to said range line to the intersection of said parallel line with the Township line between Township 11 and Township 12, thence West along said Township line to

intersection of said Township line with Range line between Range 26 and Range 27, thence North along said Range line 3 miles to corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along section lines 3 miles to Southeast corner of Bullock County.

Section 3. All instruments of the character listed in Section 1 hereof, relating to property situated North and East of said division line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Eufaula; all such instruments relating to property situated South and West of said line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Clayton. All such instruments relating to property situated in both divisions of the county shall be recorded in both offices of the Judge of Probate of Barbour County.

Section 4. The filing as provided in this Act of any instrument which may legally be admitted to record shall operate as notice of the contents of such conveyance or instrument; and the filing of such instrument other than as herein provided shall not operate as notice of the same.

Section 5. Sections 2, 3, 4, and 5 of Act No. 270 approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296 are hereby repealed.

Section 6. This Act shall become effective on January 1, 1962.

Section 7. All laws, or parts of laws, in conflict herewith are repealed.

Approved August 29, 1961
Time: 10:30 P.M.

Act No. 621

H. 1194—Ferguson, Callahan.

AN ACT

To alter the corporate limits of the City of Northport, Alabama, and to rearrange and define the boundaries thereof.

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundaries of the City of Northport, in the County of Tuscaloosa, State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of the said City all of the territory lying within the County of Tuscaloosa, included within the following described boundaries, namely:

As a point of beginning start at the Southwest corner of Section 4, Township 21 South, Range 10 West; thence Northwardly along the West boundary of said Section 4 to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 4; thence Eastwardly along the North boundary of said Southwest Quarter of the Southwest Quarter to the Northeast corner of said Southwest Quarter of the Southwest Quarter; thence Southwardly along the East boundary of said Southwest Quarter of the Southwest Quarter to the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence Westwardly along the South boundary of said Southwest Quarter of the Southwest Quarter, which also is the North boundary of Five Points Subdivision, a plat of said subdivision being recorded in Plat Book 5, at Page 196 in the Probate Office of Tuscaloosa County, Alabama, to the Northwest corner of Lot 9, said Five Points Subdivision; thence Southwardly along the West boundary of Lots 9, 10, 11, 12, 13 and 14, of said Five Points Subdivision to the Southwest corner of said Lot 14; thence Eastwardly to the Northeast corner of Lot 22, of said Five Points Subdivision; thence Southwardly along the East boundary of said Lot 22 to the Southeast corner of said Lot 22; thence Westwardly along the South boundary of said Lot 22 to the Southwest corner of said Lot 22; thence Northwestwardly along the Northeast boundary of Alabama Highway No. 43 (Main Avenue) to an intersection with the West boundary of Section 9, Township 21 South, Range 10 West; thence Northwardly along the West boundary of Section 9, Township 21 South, Range 10 West to the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 9, Township 21 South, Range 10 West, which is also the point of beginning.

Section 2: That all laws and parts of laws, general, special and local, in conflict with this Act be and the same are hereby repealed.

Section 3: That this Act shall go into effect immediately upon its approval by the Governor.

Approved August 29, 1961

Time: 10:31 P.M.

Act No. 622

H. 1222—Barnett, Long (Perry).

AN ACT

To provide an allowance for clerk hire and expenses for the circuit court clerk of all counties having populations of not less than 16,500 nor more than 17,500.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a

population of not less than 16,500 nor more than 17,500, according to the 1960 federal decennial census, may provide a clerk hire allowance or an allowance for expenses not exceeding \$100 a month for the use of the clerk of the circuit court. The allowance shall be paid from the general fund of the county in such manner as the governing body of the county may direct.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961

Time: 10:32 P.M.

Act No. 623

H. 1223—Thomas, Lee.

AN ACT

To create and establish in the eastern division of Barbour County (Beats 1, 2, 4, 5, 11, 14 and 16 of Barbour County) an inferior court of limited jurisdiction of criminal cases and civil actions at law, to be known as the Court of Common Pleas of Barbour County, in lieu of the Inferior Court for Precinct Five of such county; providing for the officers of such court and for their term, powers, duties, compensation and method of selection; prescribing the jurisdiction of the court, regulating its procedure and process; fixing the costs, charges and commissions collectible in the court; and providing for the transfer of all cases pending in the Inferior Court for Precinct Five of Barbour County to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. A court of limited jurisdiction in criminal cases and civil actions at law, which shall be known as the Court of Common Pleas of Barbour County, is hereby created and established for Beats 1, 2, 4, 5, 11, 14 and 16 of said county, which said beats comprise the eastern division of said county as it was divided by Act No. 106, approved February 12, 1879 (Acts of Alabama, 1878-79, page 106), for the purpose of designating the place of trial of cases in the circuit court of such county. The court hereby created shall be in lieu of the Inferior Court for Precinct Five of Barbour County, which is hereby abolished.

Section 2. (a) Except as provided in subsection (b) of this section, the court shall have and exercise jurisdiction of all actions, causes, matters, proceedings and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment), cognizable before justices of the peace or courts created in lieu thereof. The court shall have authority to punish contempts by fine not exceeding twenty-five dollars and imprisonment for not more than twenty-four hours. It may adopt and enforce rules and regulations rela-

tive to pleading, practice, and procedure, provided that such rules and regulations are not contrary to the Constitution and laws of Alabama and law-made rules governing practice and procedure in circuit courts, inferior courts, or justice of the peace courts or courts created in lieu thereof.

(b) The court shall not have the power to try persons charged with felonies, nor shall the court have jurisdiction of actions for libel or slander. It shall not have jurisdiction of any civil action when the amount in controversy exceeds one hundred dollars, nor take cognizance of any matter or proceeding in equity.

Section 3. (a) A judge of the court herein created shall be elected by the qualified electors of the eastern division of Barbour County, that is the qualified electors of Beats 1, 2, 4, 5, 11, 14, and 16 of Barbour County, at the general election of 1962 and every six years thereafter. His term of office shall be for six years from the first Monday after the second Tuesday of January next succeeding his election and until his successor is elected and qualified.

(b) The judge serving as judge of the Inferior Court of Precinct Five of Barbour County shall serve as judge of the court hereby established until his successor has been elected and is qualified under this Act.

(c) The judge shall, before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution in the manner provided by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Barbour County residing within the territorial jurisdiction of the court. Vacancies in the office of judge shall be filled by appointment by the Governor, and such appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Before entering upon the duties of his office, the judge shall give bond in such penal sum as may be prescribed by the governing body of Barbour County payable to the county and conditioned upon the faithful performance of the duties of his office. The bond shall be approved by and filed in the office of the probate judge of Barbour County. The premiums on the bond shall be paid out of the county treasury.

(d) The judge shall receive an annual salary of eighteen hundred dollars (\$1,800), payable out of the general fund of the county, in equal monthly installments.

(e) The judge shall have authority to: (1) administer oaths and take acknowledgements; (2) issue search warrants; (3) solemnize marriages; (4) exercise such other powers, jurisdiction, or authority as may be conferred by law upon justices of the peace, including that of magistrates on preliminary examinations, or courts created in lieu of justices of the peace.

Section 4. In the event the judge of the court hereby created is for any reason disqualified from acting or is absent for any cause, the parties to the cause or the judge of the circuit court of the circuit in which Barbour County is situated may appoint a suitable person to act as judge of this court in such cause or during the absence of said judge.

Section 5. The clerk of the circuit court of Barbour County shall be ex-officio clerk of the court hereby established. The fees and compensation of said clerk for the performance of his duties as clerk of this court shall be the same as is now allowed by law to clerks of the circuit courts, and shall be paid in like manner. The clerk shall, before entering upon the performance of his duties as clerk of this court, give bond as required by law.

Section 6. The terms of the court hereby established shall be attended by the sheriff of the county or his deputies or in their absence some suitable person shall be appointed by the court to act in their stead, whose compensation shall be two dollars (\$2.00) a day, to be paid out of the county treasury.

Section 7. The court shall be held, and the office of the judge shall be kept in the City of Eufaula. Regular terms of said court shall be held on the first and third Mondays in each month and the court may continue in session until the business of the court is disposed of; provided, however, the judge may call a special term of said court whenever in his judgment it is deemed best.

Section 8. All prosecutions instituted in the court hereby established shall be begun upon affidavit and warrant, and shall be tried by the judge without a jury. The judge shall determine both the law and the facts, and in cases of conviction the defendant shall have the right to appeal to the circuit court, where the trial will be de novo, and a jury trial may there be had, on demand of the defendant, as prescribed by law.

Section 9. A party aggrieved or desiring to bring a charge of misdemeanor before the court hereby created may apply to the judge or the clerk thereof for a warrant of arrest; and, upon the making of affidavit in writing that he has probable cause for believing, and does believe that an offense has been committed in said county, the judge or the clerk of said court shall examine the affiant under oath, and other witnesses, if he so

desires, touching the offense charged in the affidavit, and if the judge or the clerk has probable cause for believing that the offense alleged in the affidavit has been committed, he shall issue his warrant of arrest. The form of the warrant of arrest shall be as prescribed by Section 328, Title 13, Code of Alabama 1940. The sheriff or any constable of the county may execute the warrant and bring the defendant before the court, and may also summons the witnesses and serve all other process.

Section 10. The proceedings in the court hereby created shall be governed by the same regulations and be subject to the same limitations as proceedings in justice of the peace courts in accordance with the general laws of this state relating to such justice courts.

Section 11. (a) For their attendance upon the court witnesses shall be entitled to the same fees and allowances prescribed by law for witnesses in courts of justices of the peace, which fees and allowances shall be taxed, collected and paid in the same manner as such fees and allowances are taxed and paid in justice courts.

(b) In addition to fees for witnesses the court shall have authority to tax costs and commissions for the use of officers of the county as follows: (1) in each civil action at law the same as in justice courts; (2) in each criminal case, the same as in justice courts.

Section 12. The Inferior Court for Precinct Five of Barbour County, created by Act No. 84, H. 403, approved February 26, 1903 (Local Acts of 1903, page 103) is hereby abolished, and all cases and actions pending therein on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, the new court shall have the same power of control that the abolished court had, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by the court herein established.

Section 13. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1961
Time: 11:00 P.M.

Act No. 624

H. 1267—Murphy, Engel, Trimmier.

AN ACT

To propose an amendment to the Constitution relative to the payment of pensions to certain former officers of Mobile County and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

“Any provision of the Constitution to the contrary notwithstanding, any person who served as an officer of Mobile County or any municipality therein before the establishment of a pension or retirement system for the benefit of the elected or appointed officers of such county or municipalities shall be eligible to receive a pension or retirement benefit in all respects equal to officers serving when such pension or retirement system was established. The governing body of the county and of each municipality therein is hereby authorized to expend any funds not otherwise appropriated that may be required to pay the benefits payable to such former officers.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 12, 1961.

Passed the Senate August 26, 1961.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Chilton County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

AMENDMENT

“Section 1. The court of county commissioners, board of revenue, or like governing body of Chilton County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar’s worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

“Section 2. In event this amendment is approved the court of county commissioners, board of revenue, or like governing body of Chilton County shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Chilton County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.”

"Section 3. The power to levy granted by this amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

"Section 4. This amendment shall be self-executing and shall require no enabling legislation."

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 18, 1961 as amended.

Passed the Senate August 29, 1961.

Act No. 626

H. 1335—Hankins.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Lamar County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

"Section 1. The court of county commissioners, board of revenue, or other like governing body of Lamar County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein au-

thorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

"Section 2. If this amendment is approved and a majority of the qualified electors of Lamar County who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes."

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 18, 1961.

Passed the Senate August 26, 1961.

Act No. 627

H. 1342—Goodwyn, Pierce, Goldthwaite,
Bailey.

AN ACT

Proposing an amendment to the Constitution of Alabama, relative to the levying of additional taxes for school purposes within Montgomery County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors as prescribed by law:

Proposed Amendment.

"When authorized by a vote of a majority of the qualified electors voting at an election held for such purpose, the court of county commissioners, board of revenue, or like governing body of Montgomery County shall have power to levy and collect additional taxes for school purposes on the taxable property located in the county at a rate not to exceed fifty-five one-hundredths of one per cent of the value of the taxable property located within the county. An election to determine whether or not such taxes shall be levied and the time during which such tax is to continue shall be called, held, and conducted in the manner provided by law for calling, holding, and conducting elections to determine whether district school taxes shall be levied and collected under this Constitution. The provisions of this amendment shall not limit, modify, abridge, or impair the power, authority, or right of municipalities or school districts to levy and collect special school taxes as provided by law."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 18, 1961.

Passed the Senate August 26, 1961.

Act No. 628

H. 1224—Ingram.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to levying special school taxes in Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

"Section 1. If authorized at an election held for such purpose, the governing body of Clay County may levy and collect a special county tax at a rate not exceeding one-half of one percent on the value of the taxable property within the county as assessed for state taxation, the proceeds of which shall be used exclusively for public school purposes.

"Section 2. An election shall be ordered by the county governing body to determine whether or not a special tax shall be levied for public school purposes as authorized herein upon the request of the county board of education, and the election shall be held and conducted in accordance with general laws providing for school tax elections pursuant to Constitutional Amendment III."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 12, 1961.

Passed the Senate August 29, 1961.

AN ACT

To amend Sections 2, 3 and 4 of Act No. 474, S. 219, Regular Session 1953, entitled "An Act to provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for traveling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors," (Acts of Alabama 1953, Vol. I, page 589).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 474, S. 219, Regular Session 1953, entitled "An Act to provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for traveling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors" (Acts of Alabama 1953, Vol. I, p. 589), is amended to read as follows:

"Section 2. Such supernumerary circuit solicitors shall take the oath of office prescribed by the Constitution for judicial officers and shall have and exercise all the duties, power and authority of solicitors of the judicial circuits or circuit courts, and shall, upon request of the Governor, or upon the request of the Chief Justice of the Supreme Court, or upon the request of the Attorney General, conduct investigations, attend any regular, adjourned or special session of any circuit court in any of the judicial circuits of Alabama for the investigation of or the prosecution of any criminal case, or the prosecution or defense of any cause in which the State is interested. The Attorney General may request a supernumerary circuit solicitor to perform the duties of an Assistant Attorney General, either in the office of the Attorney General or at such other places in the State of Alabama or out of the State as the Attorney General may assign him. When on special assignment as an Assistant Attorney General, the supernumerary circuit solicitor shall be

designated as a special Assistant Attorney General, shall have all the powers and authority of an Assistant Attorney General, and shall be entitled to the same amount of sick leave and annual leave that accrues to an Assistant Attorney General."

Section 2. Section 3 of Said Act No. 474 is amended to read as follows:

"Section 3. The term of office of a supernumerary circuit solicitor shall begin upon the date of the issuance of the commission hereinabove provided. Each such supernumerary circuit solicitor shall receive a salary of five thousand two hundred dollars (\$5,200) a year, payable monthly out of the treasury as other judicial salaries are paid, and when on special assignment as a Special Assistant Attorney General, he shall receive additional compensation at the rate of ten dollars (\$10) a day, for the payment of which an appropriation is hereby made. Any such supernumerary circuit solicitor shall be removed by impeachment for the causes specified in Section 173 of the Constitution, and in like manner as is provided for the impeachment of circuit solicitors."

Section 3. Section 4 of said Act No. 474 of 1953 is hereby amended to read as follows:

"Section 4. The actual expense of transportation, subsistence, and lodging incurred by a supernumerary solicitor in performance of his duties in counties other than that of his residence or outside the state shall be refunded to him upon his filing a verified statement thereof with the Attorney General, who, if he finds it reasonable, shall approve it and transmit it to the Comptroller, who shall thereupon draw a warrant in favor of such supernumerary circuit solicitor for the amount thus approved, against any funds in the state treasury not otherwise appropriated. A supernumerary circuit solicitor serving as an Assistant Attorney General shall be entitled to the same mileage allowed for travel in his private or personal automobile as that allowed other state employees for like travel."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1961
Time: 5:36 P.M.

Act No. 630

H. 27—Boyd, Grouby, Oden, Vickers,
Goodwyn, Ingram, Pruitt.

AN ACT

To authorize the sale and issuance of not exceeding three million dollars principal amount of general obligation bonds of the State of

Alabama for the purpose of acquiring, providing, constructing, renovating and equipping one or more prisons and penal institutions; to pledge the full faith and credit of the state for payment of the principal of and the interest on such bonds; to create a prison commission with authority to specify the details of and to make provision for the sale and issuance of such bonds; to provide for and specify the terms, execution and issuance of such bonds and the use of the proceeds from the sale of such bonds; to vest in the building commission (created by Act No. 128 adopted at the 1945 Regular Session of the Legislature of Alabama) the authority to supervise the construction of the prisons and penal institutions to be constructed pursuant to the provisions of this act; to specify the manner of letting contracts for said construction; to require the sale and disposition of those of the Kilby Prison properties not needed in the operation of the new prisons and penal institutions to be constructed pursuant to the provisions of this act; to require application of the net proceeds from the sale of such Kilby Prison properties to retirement of the principal of and the interest on the bonds authorized in this act; to provide for the general powers of the prison commission; and to provide that this act shall become effective only upon the adoption of an amendment to the Constitution of Alabama authorizing the issuance of such bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. *Definitions.* The following words and phrases, whenever used in this act, shall have the following respective meanings:

“Bonds” means the bonds authorized in this act.

“Building commission” means the building commission created in Act No. 128 enacted at the 1945 Regular Session of the Legislature of Alabama.

“Prison commission” means the Alabama Prison Commission created in this act.

“State” means the State of Alabama.

“Construction” means erect, construct, alter, renovate, enlarge new or existing structures.

Use of words in the plural shall include the singular; and pronouns shall include all applicable genders.

Section 2. *Authorization of Bonds.* For the purpose of acquiring, providing, constructing and equipping one or more prisons and penal institutions, as hereinafter more specifically provided, there are hereby authorized to be issued not exceeding three million dollars aggregate principal amount of interest-bearing bonds of the state. The bonds shall constitute direct general obligations of the state for the prompt and faithful payment of the principal of and the interest on which the full faith and credit of the state are hereby irrevocably pledged.

Section 3. *Creation of Prison Commission.* The Governor and the individuals composing the Board of Corrections shall

constitute a commission, to be known as the Alabama Prison Commission, which shall have full authority to provide the terms of the bonds to be issued and sold hereunder, except as otherwise specified or limited in this act or in the constitutional amendment referred to in Section 11. No member of the commission shall receive compensation in any form for any service rendered by him in and about the performance of his duties under this act. The commission shall meet on call of the Governor, and shall elect a chairman and vice-chairman from among their own number. The Commissioner of Corrections or his successor in office shall be ex officio secretary of the prison commission and shall perform such duties as the commission may require, without additional compensation for such service. A majority of the commission shall constitute a quorum for transaction of business. All proceedings of commission meetings shall be reduced to writing by the secretary and shall be signed by each commission member present at the meeting. The record of such proceedings shall be filed and kept in the office of the Secretary of State.

Section 4. *Concerning the Bonds.* The bonds may be awarded, sold, executed, issued and delivered from time to time, only as funds are needed to finance capital improvement projects as planned and scheduled by the Board of Corrections. The bonds may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in bearer form with interest coupons or may be in registered form as to both principal and interest or as to principal only, may be payable in such installments at such time or times and at such place or places within or without the state, may bear interest at such rate or rates payable and evidenced in such manner, may be subject to redemption at the option of the state on such date or dates prior to their respective maturities at such redemption price or prices and may contain such other provisions not inconsistent with the provisions of this act, all as may be provided by the prison commission by appropriate resolution or resolutions. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the prison commission authorizing their issuance; provided that the first such installment shall mature not later than one year after the date of the bonds of such series and the last of such installments shall mature not later than twenty years after the date of the bonds of the same series; and provided further that the annual principal maturities of the bonds of each series shall, to such extent as may be practicable, be so arranged that during each fiscal year of the state following the issuance of the bonds of such series the

aggregate installments of principal and interest on all bonds that will be outstanding hereunder immediately following the issuance of the bonds of that series will be substantially equal. The determination by the prison commission that the requirements of the last proviso of the preceding sentence have been complied with shall be conclusive of such compliance, and the purchasers of any of the bonds and all subsequent holders thereof shall be fully protected by such determination. Those bonds of each series that mature more than ten years after their date shall be made subject to redemption prior to their respective maturities, at the option of the state, as a whole or in part (but if in part, in the inverse order of the numbers of the bonds of that series), at the end of the tenth year following their date and semiannually thereafter, at and for a redemption price, with respect to each such bond, not exceeding the face value thereof plus accrued interest thereon to the date fixed for redemption and a premium equal to twelve months' interest thereon computed at the coupon rate thereof.

Each series of bonds issued under the provisions of this act shall be sold for a purchase price of not less than the face value of the bonds of such series plus accrued interest on such bonds from their date to the date of their delivery and shall be awarded only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided that if no bid deemed acceptable by the prison commission is received, all bids may be rejected. Notice of each bond sale shall be given by the prison commission by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a newspaper published in the state, each of which notices must be published at least one time not less than ten days prior to the date fixed for the opening of such sealed bids if the sale is to be on sealed bids, or, if the sale is to be at public auction, not less than ten days prior to the date fixed therefor. The prison commission may cause such other publicity to be given to each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held, provided that such terms and conditions shall not conflict with any of the provisions of this act. No consent or approval of any public body or officer, except such as are in this act specifically required, shall be necessary for the issuance or sale of the bonds.

The prison commission is authorized to provide the terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted

from bearer form into registered form, as to both principal and interest, or as to principal only, and again converted into bearer form. Subject to the provisions of this act, the prison commission may from time to time sell and issue refunding bonds of the state for the purpose of refunding the principal of any matured or unmatured bonds then outstanding hereunder. All the provisions of this act respecting the bonds shall, with the necessary changes in detail, be applicable to any refunding bonds issued hereunder.

Section 5. *Execution of Bonds and Coupons.* The bonds shall be executed in the name of the state by the Governor, and the Great Seal of the state shall be affixed thereto and attested by the Secretary of State. A facsimile of the signature of either, but not both, of said officials may be imprinted on the bonds in lieu of being manually inscribed thereon; and in the discretion of the prison commission a facsimile of the Great Seal of the state may be engraved, lithographed or imprinted on the bonds in lieu of said seal being manually affixed thereto. The coupons evidencing any installments of interest on the bonds shall be executed with the facsimile signature of the State Treasurer. Each facsimile signature imprinted on the bonds and the coupons shall be valid in all respects as if the official whose facsimile signature is so imprinted had signed the bonds or the coupons, as the case may be, in person, and any facsimile of the Great Seal of the state so imprinted on the bonds shall be valid in all respects as if the Great Seal of the state had been manually affixed to the bonds. In the event any official who has signed the bonds or whose facsimile signature shall appear thereon or on the coupons shall cease to hold office before such bonds and coupons are delivered and paid for, such bonds and coupons shall nonetheless be valid for all purposes to the same extent as if such official had remained in office until all of such bonds and coupons had been delivered and paid for.

Section 6. *Use of Proceeds from Sale of Bonds.* The principal proceeds from the sale of the bonds, other than refunding bonds, shall be covered into the State Treasury and, after payment therefrom on order of the prison commission of the expenses incurred in the authorization, preparation and issuance thereof, the balance then remaining shall be disbursed from time to time, as hereinafter provided, solely for the purpose of acquiring, providing, constructing, renovating and equipping one or more prisons and penal institutions, including the acquisition of any real property, or interests therein, necessary therefor. The accrued interest and any premium received on the sale of the bonds shall also be covered into the State

Treasury and shall be applied and used solely for payment of the then next maturing installments of interest on such bonds in the order of their maturities.

The preceding provisions of this Section 6 to the contrary notwithstanding, any portion of the principal proceeds derived from the sale of the bonds which the prison commission may determine is not then needed for any of the purposes for which the bonds are herein authorized to be issued shall, on order of the prison commission, be invested by the State Treasurer in any securities that are direct general obligations of the United States of America, and any such securities may, at any time and from time to time on order of the prison commission, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be disbursed on order of the prison commission for any purpose for which it may lawfully expend funds.

Section 7. *Construction of Prisons and Penal Institutions.* The Board of Corrections is authorized to select, purchase and acquire, in the name of the state, all lands and interests therein for the prisons and penal institutions to be constructed pursuant to the provisions of this act, and to construct, renovate and equip one or more prisons and penal institutions, using for the payment of the costs of such land, construction, renovation and equipment only the principal proceeds derived from the sale of the bonds and such additional moneys as the state may derive from any investment of such proceeds authorized in the preceding Section 6 hereof. All such prisons and penal institutions shall be constructed pursuant to plans and specifications of architects or engineers, or both, selected by the building commission and shall be constructed under the supervision and direction of the building commission, or any agency designated by the legislature as its successor. The contract for each part of the work of such construction shall be awarded to the lowest responsible bidder after the building commission has first advertised for receipt of, and has received and publicly opened, sealed bids for such work. Each such invitation for bids and the bidding documents applicable thereto shall be so arranged that any alternates shall constitute cumulative deductions from the base bid, rather than additions thereto, and the building commission shall award the contract on the lowest base bid if the funds available are sufficient therefor. If the funds available are not sufficient to award the contract on the lowest base bid, the building commission shall proceed to consider the bids on the basis of the base bids of all bidders less the respective reductions stated therein for the first alternate and shall award the contract on that basis

if the funds available are sufficient therefor, but if the funds available are not sufficient to award the contract on that basis, the building commission shall proceed to consider the bids on the basis of the base bids of all bidders less the respective reductions stated therein for the first and second alternates together and shall award the contract on that basis if the funds available are sufficient therefor, and thereafter, if need be, in like manner throughout all alternates — all to the end that in determining the lowest responsible bidder there shall be no discretion as to which alternate or alternates will be used. The provisions of this section respecting the award of the contract are subject, however, to the proviso that if no bid deemed acceptable by the building commission is received, all bids may be rejected, in which event bids may again from time to time be invited and acted on as provided in this section.

Each contract for any part of the construction herein authorized shall be a lump sum contract. All contracts for the work of constructing any one building shall be awarded simultaneously, but notice to proceed under any such contract may be withheld until work under another such contract has progressed to a point where the joint or following work can best be coordinated for the earliest completion of the entire project in a sound and workmanlike manner. Each such contract shall be executed on behalf of the state by a duly authorized officer or member of the Board of Corrections upon determination by the building commission as to the lowest responsible and acceptable bidder. Payments made by the prison commission under any such contract shall be made only after the contractor has submitted in writing a sworn request therefor and only in such amount (not to exceed the amount of such request) as the building commission shall approve and endorse thereon as having then been earned on such contract. The Board of Corrections and the building commission shall agree on construction cost estimates, including reimbursement to the building commission of its direct costs in having plans, specifications and contract documents prepared and in supervising the work; and after contracts have been awarded, the building commission shall, if necessary, revise such construction cost estimates and shall award all extras on such contracts within the funds available. The building commission shall, as promptly as practicable after the effective date of this act, proceed with the preparation of plans, specifications and bidding documents for such prisons and penal institutions as shall be specified by the Board of Corrections, all to the end that bids may be requested as soon as possible after the effective date hereof.

Nothing in this act shall be in any manner construed so as to exclude the use of prison labor in the construction and

equipment of the prison or prisons provided for herein, if, in the judgment of the Board of Corrections such use shall be determined to be for the best interests of the prison system; and, with the approval of the building commission, such construction and equipment of such prison or prisons, in whole or in part, may be accomplished with prison labor.

Section 8. *Sale of Kilby Prison Properties.* The prison commission shall, as promptly as practicable, sell and dispose of the properties known as Kilby Prison and all lands held and buildings used in connection therewith which the Board of Corrections shall determine are not necessary for the operation of the new prisons and penal institutions to be constructed pursuant to the provisions of this act; provided however, that nothing herein contained shall be construed to authorize the prison commission to sell and dispose of any such properties until such time as, in the opinion of the Board of Corrections, they are no longer needed in the operation of Kilby Prison or until such time as the use of Kilby Prison as a penal institution of the state is abandoned. All sales of any such properties shall be authorized by resolution of the prison commission and shall be effected by deeds and conveyances in such form (warranty or otherwise) as the prison commission may prescribe. Each such deed shall be signed in the name of the state by the Governor, and the Great Seal of the state shall be affixed thereto and attested by the Secretary of State. Such sales shall be public sales, either on sealed bids or at public auction. Notice of such sales shall be given by the prison commission by publication in at least three newspapers of general circulation published in the state at least three times; first notice to be not less than sixty (60) days prior to the date fixed for the opening of bids or the date fixed for the sale; the second notice to be not less than thirty (30) nor more than forty (40) days prior to the date fixed for the opening of bids or the date fixed for the sale; the third notice to be not less than ten (10) days prior to the date fixed for the opening of bids or the date fixed for the sale; and the commission may cause such other publicity to be given to such sales as it considers advisable.

The proceeds of each sale of any of said Kilby Prison properties remaining after the payment of the expenses of such sale shall be paid into a special sinking fund in the State Treasury and used solely for payment of the principal of and the interest on the bonds, including the payment of any redemption premium necessary to retire bonds in advance of their respective maturities; provided however, that the prison commission in its discretion may cause moneys in such sinking fund, pending their need for any of the aforesaid purposes,

to be invested in any securities that are direct general obligations of the United States of America. The proceeds from the sale of any such securities remaining after the payment of the expenses of such sale, and all income therefrom, shall be paid into such sinking fund and used only for the purposes specified in the next preceding sentence hereof. If the moneys on deposit in such sinking fund are at any time insufficient to pay any then maturing installment of principal of or interest on the bonds, there is hereby appropriated for such purpose, out of the moneys in the general fund, such amount as, when added to the amount then on deposit in such sinking fund and available for such payment, will be sufficient to pay such principal or interest at the maturity thereof.

Section 9. *General Powers of Prison Commission.* The prison commission shall have all powers necessary for or incidental to the efficient exercise of the powers and functions herein specifically granted and assigned to it, including, without limiting the generality of the foregoing, the power to employ such technicians, experts, counsel and other personnel (professional and otherwise) as will enable it best to carry out the mandates of this act.

Section 10. *Severability.* The provisions of this act are severable. If any section, provision, sentence or clause hereof is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise adversely affect any other section, provision, sentence or clause hereof.

Section 11. *Effective Date.* This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the issuance of the bonds.

Approved August 31, 1961

Time: 11:08 A.M.

Act No. 631

S. J. R. 45—Jones.

SENATE JOINT RESOLUTION

WHEREAS, death has come unexpectedly to Mr. Ralph Macon; and

WHEREAS, Mr. Macon loyally, capably and indefatigably served the Senate for almost thirty years as Assistant Secretary and Reading Clerk; and

WHEREAS, in his passing, the Senate has lost a dear friend and faithful employee; and

WHEREAS, his friends, associates and particularly the members of this body whom he served so untiringly will sorely miss Ralph Macon; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the members of the Legislature do hereby express their deep regret at the untimely death of Ralph Macon and extend their sincere sympathy to his wife and two daughters.

BE IT FURTHER RESOLVED that a page in the Journal of the Senate be dedicated, in grateful appreciation of services to the State, to the memory of Ralph Macon; and that a copy of this resolution be transmitted to Mrs. Macon.

Time: 3:33 P.M.

Approved August 31, 1961

Act No. 632

H. 1049—Bishop.

AN ACT

To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Muscle Shoals.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment.

“The city of Muscle Shoals shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accord-

ance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 4, 1961.

Passed the Senate August 30, 1961.

Act No. 633

H. 1067—Murphy, Engel, Trimmier.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding \$1,737,000 in principal amount for various capital improvements in said county, said bonds to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, as amended authorizing the continued levy and collection of said tax for payment of said bonds, providing that none of the bonds which are payable out of said tax or for which said tax is pledged shall be chargeable against the limitation on indebtedness of said county contained in Section 224 of the constitution, and specifying certain details pertaining to said bonds and the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

Mobile County is hereby authorized to issue its bonds not exceeding \$1,737,000 in aggregate principal amount for the purpose of acquiring, providing, constructing and equipping capital improvements in said county, including the acquisition of sites therefor, of which bonds \$500,000 in principal amount shall be issued to pay costs of acquiring, providing, constructing and equipping public school buildings in said county, and \$500,000 in principal amount shall be issued to pay all or a part of the costs of acquiring, providing, constructing and equipping a building or buildings for use for educational purposes on the college level in said county, \$606,000 in principal amount shall be issued to pay a portion of the costs of acquiring, providing, constructing and equipping one or more public

hospital buildings in said county whether such buildings shall be owned by said county or by any public corporation therein, and \$131,000 in principal amount shall be issued to pay all or part of the costs of acquiring, providing, constructing and equipping one or more buildings in the county for the Alabama State College; provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Amendment XVIII of the Constitution of Alabama, as amended, shall not exceed six and one-half per centum ($6\frac{1}{2}\%$) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such bonds hereunder; provided, further, that no bonds may be issued under the authority of this constitutional amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile County at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this constitutional amendment shall vote for adoption of this amendment, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for herein and in that event no additional election by the electors of Mobile County, shall be required to authorize the issuance of said bonds. If the majority of the qualified electors of Mobile County participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of Mobile County voting at any election held under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at such election, the governing body of Mobile County may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile County for the payment of the principal of and interest on which the full faith and credit of said county shall be irrevocably pledged, and in addition thereto there shall be

irrevocably pledged for payment of said principal and interest, at the respective maturities thereof, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then existing valid pledges. The principal of each series of bonds issued under the provisions of this amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties. The indebtedness evidenced by the bonds issued hereunder or under any other amendment to the constitution which are payable out of or secured by a pledge of said special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of said county provided for in Section 224 of the constitution.

For payment of the principal of and interest on all bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile County is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in said Amendment XVIII at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax shall not exceed one-half of one per centum ($\frac{1}{2}$ of 1%) of the assessed valuation of taxable property in said county.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of this Session of the Legislature of Alabama. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the State once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House August 4, 1961.

Amended, and Passed the Senate August 25, 1961.

House concurred in Senate Amendment August 29, 1961.

Act No. 634

H. 1341—Broadfoot.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

Section 1. The court of county commissioners or other like governing body of Lauderdale County may levy and collect a special tax at a rate not exceeding one-half of one percent on the value of the taxable property within the City of Florence, the proceeds of which shall be used exclusively for public school purposes, but shall not be used for or pledged to the payment of bonds or warrants, by the board of education of the City of Florence or its successor in function, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the city and voted for by a majority of those voting at such election.

Section 2. Elections may be called, held and conducted pursuant to this amendment in accordance with general laws providing for and regulating elections on district school taxes authorized by the third amendment to this Constitution, but subsequent elections thereon may be held at intervals of not less than two years.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 29, 1961, as amended.

Passed the Senate August 31, 1961.

Act No. 635

H. 1344—McLendon (Bullock), Powell.

AN ACT

Proposing an amendment to the Constitution authorizing the court of county commissioners, board of revenue, or like governing body of Bullock County to levy additional license taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution is proposed, and shall become a part thereof when approved by the electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

"The court of county commissioners, board of revenue or other like governing body of Bullock County may, to raise revenue for support of the public schools within the county, fix and collect license taxes for any business, trade, occupation or profession engaged in or carried on within the county, provided the rate of such licenses, the time they are to be continued and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such elections shall be held in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same. Provided that such governing body of Bullock County shall not levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied by Sections 176-180, and 182-186 of Title 51 of the Code of Alabama 1940, as amended and in effect at the date of adoption of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 26, 1961 as amended.

Passed the Senate August 31, 1961.

Act No. 636

H. 1360—Cabiness, Gross.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Jackson County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

“Section 1. The court of county commissioners, board of revenue, or like governing body of Jackson County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

“Section 2. In event this amendment is approved the court of county commissioners, board of revenue, or like governing body of Jackson County shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Jackson County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

"Section 3. The power to levy granted by this amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

"Section 4. This amendment shall be self-executing and shall require no enabling legislation."

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 26, 1961.

Passed the Senate August 30, 1961.

Act No. 637 H. 1407—Sessions, Rast, Hawkins, Edwards,
Morrow, Locke, Perry.

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of Alabama, the several school districts of Jefferson County shall, subject

to an election in each such school district as hereinafter provided, have power to levy and collect a special district tax of not exceeding fifty (50) cents on each one hundred dollars (\$100) of taxable property in such district for the furtherance of education therein. A school district within the meaning of this section shall include (a) that part of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Tarrant City and Mountain Brook as one district, (b) the City of Birmingham as one district, (c) the City of Bessemer as one district, (d) the City of Fairfield as one district, (e) the City of Tarrant City as one district, and (f) the City of Mountain Brook as one district. No tax shall be levied hereunder unless the rate of such tax, the time such tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors in each such district and voted for by a majority of those voting at such election. Any election on any such district tax shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment III to the Constitution of Alabama, except that no county-wide tax shall be required as a condition precedent for a district tax under this Amendment. The holding of one election shall not preclude a later election in the same district but no election in a district shall be held within two years from the date of the last election held in such district under the authority of this Amendment. The proceeds of any special district tax authorized by this Amendment shall be expended for the support of education in the district in which levied."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940) as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each court house and post office.

Constitutional Amendment.

Passed the House August 26, 1961.

Passed the Senate August 31, 1961.

Act No. 638

H. 1451—Murphy, Engel, Trimmier.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing and directing Mobile County Public Hospital Board, a public corporation, to prepare a budget for each fiscal year setting forth certain anticipated expenditures and receipts of the said public corporation and to apportion any deficit in said budget among Mobile County and each municipality therein having a population of more than 1,000 according to the last federal census or any subsequent official census; providing that any assessments so made shall constitute debts of said county and said municipalities collectible by the said public corporation by suit or action but shall not constitute debts of the said county and municipalities within the meaning of Sections 224 and 225 of the said constitution; providing that if a special ad valorem county tax for public hospital purposes shall be voted in Mobile County, the power of the said public corporation to make and collect such assessments shall terminate within a specified period thereafter; authorizing the legislature by local or special legislation and without compliance with Section 106 of the Constitution to specify the character and maximum capacity of the hospital facilities with respect to which any budget may be prepared by the said public corporation under said amendment; providing that the requirements of the said amendment and of any such local or special legislation respecting the facilities covered thereby shall terminate upon termination of the power of the said public corporation to make and collect said assessments; validating all actions of Mobile County Hospital Board created and provided for by Act No. 105 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended; providing for and validating the transfer by the latter board of all of its assets, contracts, properties, obligations and liabilities to the said public corporation and the assumption of all thereof by the said public corporation; providing for the dissolution of the said board created and provided for in the said Act No. 105, as amended; and providing that bonds and other securities issued by the said public corporation shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 or debts of any of said municipalities within the meaning of Section 225 of the constitution and shall not constitute bonds of said county or a subdivision thereof within the meaning of Section 222 of the constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“A. The following terms, wherever used in this amendment, shall be given the respective meanings hereinafter set forth. ‘The board’ means Mobile County Public Hospital Board, a public corporation existing under Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as amended. ‘The 1955 board’ means Mobile County Hospital Board created and provided for in Act No. 105 adopted at the 1955 Regular Session of the said Legislature, as amended. ‘Public hospital facilities’ means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, out-patient departments, nurses’ homes,

and nurses' training facilities, and other facilities operated in connection with public hospitals. 'Public hospital purposes' means the acquisition, by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients; 'Participating municipality' means each municipality in Mobile County having a population in excess of one thousand, according to the last federal census or any subsequent federal or other official census. 'Local subdivision' means Mobile County and each participating municipality.

"B. The board is hereby authorized and directed to prepare a budget for each of its fiscal years setting forth (a) the estimated amount of all expenditures that the board anticipates making during such fiscal year for payment of administering, operating and maintaining any public hospital facilities owned or managed by the board, including expenses for treatment and care of indigent patients, payment of rentals with respect to any such public hospital facilities, payment of costs of the acquisition and equipment of public hospital facilities, and payment of installments of principal and interest, or either, maturing during that fiscal year on obligations incurred or securities issued by the board for any of the aforesaid purposes; and (b) the estimated amount of all moneys that the board anticipates receiving during the same fiscal year and that the board has the right lawfully to apply for payment of the estimated expenditures set forth in the same budget, including revenues of the board from the operation of any public hospital facilities owned or operated by it, and any donations, taxes, appropriations, contributions by the United States and any income or receipts from any other source that the board has the right lawfully to use for payment of the said expenditures. Whenever the board shall determine that the estimated amount of the said expenditures during any fiscal year will exceed the estimated amount of the said receipts during any fiscal year, as shown by the budget for that fiscal year, then the board shall have the power to allocate the said deficit among Mobile County and each participating municipality, the amount allocated to each local subdivision being a sum constituting the same proportion of the total of the said deficit that the population of that local subdivision bears to a figure equal to the population of the entire of Mobile County plus the population of each participating municipality, all such population figures to be based on the last federal census or any subsequent federal or other official census, and shall have the power to assess, levy and collect from Mobile County and each participating municipality a sum equal to the portion of the deficit allocated by the board to each local subdivision, which sum shall be pay-

able to the board by each local subdivision in twelve (12) equal monthly installments on the first day of each month in the fiscal year with respect to which the said budget was made; provided, however, that if a special annual ad valorem county tax for public hospital purposes shall be voted in Mobile County, then the power of the board to allocate any deficit among the local subdivisions and to assess, levy, and collect the amounts so allocated shall terminate after payment of the monthly installment falling due on the January 1 next succeeding the October 1 on which any such ad valorem tax so voted shall first be payable. The assessments and levies that the board is herein authorized to make, shall constitute binding obligations and debts of the local subdivisions collectible by suit or action brought by the board in any court of competent jurisdiction; but such obligations on the part of the aforesaid local subdivisions shall not be deemed to constitute debts of any local subdivision within the meaning of either Section 224 or Section 225 of the constitution. The Legislature shall have the continuing power by local or special legislation adopted at any time and from time to time, and without compliance with the provisions of Section 106 of the constitution, to specify the character and the maximum capacity or size of the public hospital facilities with respect to which items of expenditure may be included in any budget prepared by the board hereunder. Any such legislation adopted prior to the effective date of this amendment is hereby validated. The requirements of this amendment, and of any such legislation at any time adopted, as to the character and capacity or size of the public hospital facilities with respect to which items of expenditures may be included in any budget prepared by the board hereunder shall cease to be effective upon the termination, under the provisions hereof, of the power of the board to make allocation of the aforesaid deficit among the local subdivisions.

"C. The 1955 board is hereby authorized to transfer to the board, and the board is hereby authorized to assume, all assets, contracts, properties, obligations and liabilities of the 1955 board. The corporate existence of the 1955 board and all of its acts in acquiring property, making contracts and incurring obligations and liabilities are hereby validated; and the transfer by the 1955 board to the board of all of the said assets, contracts, properties, obligations and liabilities and the assumption of all thereof by the board, to such extent as the said transfer and assumption shall have taken place on the date when this amendment becomes a part of the constitution, are hereby validated. Following the completion of such transfer and assumption, the governing body of Mobile County is au-

thorized to adopt a resolution declaring the 1955 board to be dissolved, whereupon it shall be dissolved.

"D. Bonds and other securities issued by the board shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 of the constitution or debts of any participating municipality within the meaning of Section 225 of the constitution, and shall not be deemed to constitute bonds of Mobile County or of any political subdivision thereof within the meaning of Section 222 of the constitution, regardless of whether any such bonds or other securities may be made payable from, or secured by a pledge of, the assessments herein provided for, the proceeds of any contract between the board and any local subdivision, all or part of the proceeds from any tax of any kind that may be allocated or appropriated to the board, revenues from operation of public hospital facilities owned or operated by the board, or any other revenues of the board. All pledges of any revenues of the board that may be made by it for the benefit of any securities issued by it shall take precedence in the order in which made and shall create a charge on the revenues so pledged prior to the expenses of operating and maintaining any public hospital facilities."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held pursuant to the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for election, and in any county in which there may be no newspaper published, the notice shall be posted in each courthouse therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Funds of the State such sums as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House August 26, 1961.

Amended and Passed the Senate August 30, 1961.

House concurred in Senate Amendment August 30, 1961.

Act No. 639

H. 1469—Oden.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Franklin County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as part thereof when approved and proclaimed as prescribed by law:

Amendment

The court of county commissioners, board of revenue, or other like governing body of Franklin County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 26, 1961.

Passed the Senate August 30, 1961.

Act No. 640

S. 294—Hines.

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the levying of a special tax on property for educational purposes in school district number one, Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

“The court of county commissioners, board of revenue, or other like governing body of Randolph County may levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, at a rate not exceeding one-half of one percent on the value of the taxable property in school district number one, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided, that the rate of such tax and the purpose or purposes thereof, and the time such tax is to be continued, which shall not exceed thirty years, shall have been first submitted to a vote of the qualified electors of district one and voted for by a majority of those voting at the election. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. The elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for elections on school district taxes as authorized in Amendment III, Article XIX, of the Constitution, and by Article 7, Chapter 10, Title 52, Code of Alabama 1940, as heretofore or hereafter amended.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every

county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate July 28, 1961.

Passed the House August 31, 1961.

Act No. 641

S. 2—Haltom.

AN ACT

Proposing an amendment of Section 178 of the Constitution of Alabama, which relates to the qualifications for voting, to change the residence requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that Section 178 of the Constitution of Alabama be amended to read as follows, which amendment shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

“Section 178. To entitle a person to vote at any election by the people, he shall have resided in the state at least one year, in the county six months, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the two calendar years next preceding. Provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.”

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four

successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate July 25, 1961.

Passed the House August 31, 1961.

Act No. 642

H. 376—McCorquodale.

AN ACT

For the relief of Martin McCrory.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Seven Hundred Fifty (\$750.00) Dollars is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the relief of Martin McCrory, an employee of the State of Alabama who on September 8, 1958 suffered disability while acting in line and scope of his employment as a carpenter at Searcy Hospital, Mount Vernon, Alabama.

Section 2. The State Comptroller is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Martin McCrory for the amount of Seven Hundred Fifty (\$750.00) Dollars.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1961

Time: 6:01 P.M.

Act No. 643

H. 1431—Dunn.

AN ACT

To make an appropriation of highway department funds for relief of Mrs. Clyde McLean Wilson, of Clarke County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$4,500.00 is hereby appropriated from any funds in the state treasury to the credit of the state highway department which are not otherwise appropriated, for relief of Mrs. Clyde McLean Wilson, of Clarke County, whose husband, Comer Wilson, a former highway camp guard, while

acting within the line and scope of his employment, suffered bodily injuries resulting in his death in 1960, as a consequence of which the said Mrs. Clyde McLean Wilson has become obligated to pay medical, surgical, and hospital expenses beyond her ability. The Legislature finds and declares that the said Mrs. Wilson has a moral and just claim against the State of Alabama but she has no recourse at law to recover the same, hence this appropriation.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1961

Time: 6:00 P.M.

Act No. 644

H. 303—Boyd, Bassett.

AN ACT

For the relief of L. B. Kilpatrick, contractor; To make an appropriation of State Highway Department funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County; and Coffee County S-886, S-887, S-888, S-889.

WHEREAS the State Highway Department approved Hilla-bee Construction Company Inc. as a general contractor for highway contracts in this State, awarded such company a contract, or contracts, for certain construction work in connection with Alabama Highway Projects, S-522 (2) Shelby County; Coffee County S-886, S-887, S-888, S-889, and accepted as surety for the faithful performance of such contracts by Hilla-bee Construction Company Inc., a bond, or bonds, issued by Alabama General Insurance Company; and,

WHEREAS nearly thirty-five percent of the construction work covered by the above mentioned contract, or contracts, with Hillabee Construction Company Inc. was, according to the terms of the contract or contracts, to be done and performed by L. B. Kilpatrick, contractor, subcontractor of Hillabee Construction Company Inc., which had been by the State Highway Department specifically qualified for the particular work to be done on these particular projects, and such work was in fact completed by L. B. Kilpatrick, contractor, and when completed was inspected and approved by the district engineer for the State Highway Department; and,

WHEREAS, according to the terms of the above mentioned contract or contracts, L. B. Kilpatrick was to receive compensation, as balance due on S-522 (2) Shelby County, \$14,685.15, and as balance due on Coffee County, S-886, S-887, S-888, and S-889, \$3,289.14 — Total balance on all, \$17,975.29, of which

\$6,843.61 has been paid; said above items are charges made by said L. B. Kilpatrick, contractor, for placing bituminous treatment, or bituminous work, on said projects; and,

WHEREAS, Hillabee Construction Company, Inc., and Alabama General Insurance Company have both been declared bankrupt or are insolvent and the assets of these companies are not sufficient for any further or additional payment to the said L. B. Kilpatrick, contractor; and,

WHEREAS the financial condition of Alabama General Insurance Company when, and even before, it executed the above mentioned bond, or bonds, was so questionable as to have warranted the revocation of its license, yet this had not been done by the State Insurance Department; and,

WHEREAS subsequent events have proven that Hillabee Construction Company Inc. was not qualified to carry out contracts of the kind awarded it, yet this company had been approved as a general contractor for highway work by the State Highway Department; and,

WHEREAS, the State Highway Department, has not paid the above balance, totalling \$11,131.68, either to the Hillabee Construction Company, Inc., or to the Alabama General Insurance Company, and has not disbursed same, and if it continues to retain same without disbursing same to L. B. Kilpatrick, contractor, or if it disburses same other than to L. B. Kilpatrick, contractor, said contractor will lose the foregoing total amount of \$11,131.68; and, now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of eleven thousand one hundred thirty-one dollars and sixty-eight cents (\$11,131.68) is hereby appropriated from any unpledged funds in the state treasury to the credit of the State Highway Department, to the use and benefit of L. B. Kilpatrick, contractor, to compensate said L. B. Kilpatrick, for construction work done on Alabama Highway Projects S-522 (2) Shelby County, and S-886, S-887, S-888, S-889 Coffee County, for which he was not paid by the Hillabee Construction Company, Inc., nor by anyone else, under such circumstances that the State is morally and justly obligated to pay therefor, yet L. B. Kilpatrick, contractor, had no recourse at law for the collection thereof.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1961

Time: 6:02 P.M.

Act No. 645

H. 637—Ingram, Meade, Casey, Nichols,
Turner, Franklin, Thomas, Perry.

AN ACT

To propose an amendment to the Constitution of Alabama to provide for the continuity of the Legislature of the State of Alabama and the representation therein of the political subdivision of the State, in the event of an attack by an enemy of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as part of the Constitution when approved by a majority of the electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

"The Legislature may provide for the continuity of the Legislature of the State of Alabama and the representation therein of each of the political subdivisions of the State in the event of an attack by an enemy of the United States, by providing for the selection of emergency interim legislators who shall be designated for temporary succession to the powers and duties but not the office of a legislator in case of such emergency. Such emergency interim legislator may serve only when the legislator in whose stead he is authorized to serve has died or is unable temporarily for physical, mental or legal reasons to exercise the powers and discharge the duties of his office, and until such time as the elected legislator is able to resume the duties of his office, or in case of a vacancy in such office a successor has been elected in accordance with Section 46 of this Constitution."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 4, 1961.

Passed the Senate September 1, 1961.

Act No. 646

H. 744—Merrill, Smith (Russell), Thomas, Goodwyn, Jones (Monroe), McCorquodale, Rozelle, Cornett, Hawkins, Casey, Lee, Hanby, Speaks, Cates, Hankins, Branyon, Gilmer, Hardy, Johnson (Tom), McClendon, (Chambers), Hain, Steagall, Torbert, Powell, McLendon (Bullock), Ingram, Grouby, Smith (St. Clair), Solomon, Guthrie, Beville, Chambers, Jones (Covington), Salter, Oden, Brannan, Brooks, Dickson, Adams, Rogers, Nichols, Johnson (Hardaway), Ferguson, Meade, Edwards, Perry, Sessions, Turner, Rast, Dodd, Ray, Sullivan, Reynolds (Madison), Ramey, Boyd, Locke, Trimmier, Oakley, Nettles, Bailey, Goldthwaite, Pierce, Britton, Bassett, Daniel, Phillips, Avery, Cook, Harvey.

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the State of Alabama to assist in the erection, construction and equipping of hospitals, health centers, and related medical facilities within the State; and to that end to authorize the Governor of Alabama to issue and sell negotiable interest-bearing bonds in the amount not to exceed \$2,000,000 in addition to the bonds heretofore authorized; and to provide for the prompt and faithful payment of the principal and interest on such bonds and for the retirement thereof; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held the first Tuesday after the expiration of three months from and after the final adjournment of the regular session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

“(a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest bearing bonds for the purposes and in the manner and subject to the limitation stated in this amendment. The bonds shall be general obligations of the State of Alabama

and the full faith and credit and taxing power of the State are hereby pledged to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million (\$2,000,000) and they shall mature within ten years from the date of issuance. It is further provided that not more than One Million Dollars (\$1,000,000) shall be issued during the biennium ending September 30, 1963, and that the additional One Million Dollars (\$1,000,000) shall be issued in the ensuing biennium.

The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction and equipping of hospitals, health centers, and related facilities pursuant to Act No. 211, General Acts of Alabama 1945, page 330, and approved July 7, 1945 (Title 22, Paragraph 204(3)-204(17)); and Act 287, General Acts of Alabama 1945, 474, approved July 7, 1945, (Title 22, Paragraph 204(1), 204(2)); and Act No. 46, General and Local Acts 1949, page 68, approved June 2, 1949, (Title 22, Paragraph 204(18)-204(30)); as said acts are now or may hereafter be amended; and such facilities established and operated by the corporate authorities of a city or town, or a county governing body under the provision of Code of Alabama, Title 22, Section 189, as same is now or may hereafter be amended; or any act supplemental thereto or amendatory thereof. The funds provided hereby shall be used for construction and equipping facilities under contracts which have been or are let on or after July 1, 1961; shall be used to match federal funds available for hospital, health center, and related medical facilities provided under Public Law 725, 79th Congress and Public Law 482, 83rd Congress, as said Public Laws are now or may hereafter be amended; and that the local governments in the area where each hospital, health center, or related medical facility is to be constructed or equipped shall contribute at least as much money for the construction and equipping as does the State; and provided further that the State shall not contribute more than one hundred thousand (\$100,000) for any facility included within the scope of this amendment.

In determining where a hospital, health center, or related medical facility to be constructed with funds appropriated herein shall be located, consideration shall be given to the communities on the basis of relative need. Counties receiving prior allotments hereunder shall not be precluded from receiving an additional allotment for other facilities at the discretion of the State Board of Health. A sum not to exceed sixty thousand dollars (\$60,000) may be used by the State Board of Health from the proceeds of the sale of said bonds for administering the provision of this amendment.

(b) All bonds hereunder and the interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds may be executed and delivered from time to time in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal and interest or both with rights of conversion into another form, may contain provisions for redemption at the option of the State at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other terms and conditions not inconsistent with the provisions hereof, all as may be provided in the order of the Governor providing for the issuance thereof which shall be made at the time of each sale of any of said bonds. The principal of each series of said bonds shall mature in annual installments in such amounts as shall be specified in the order under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than ten years after the date of the bonds of the same series. When each series of said bonds is issued, the maturities of the bonds of that series shall, to the extent as may be practicable, be so arranged that during any then succeeding fiscal year of the State the aggregate installments of principal and interest that will mature of all of the said bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination in the order under which the bonds of such series are issued that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchases of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of said bonds shall be sold for less than face value plus accrued interest to the date of delivery, and all of said bonds shall be sold at public sale or sales, either sealed bids or at public auction, after advertisement in a financial journal published in New York at least one time not less than ten days prior to the date fixed for the sale, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the Governor is received all bids may be rejected.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution

of Alabama, as amended, and Code of Alabama, Title 17, Chapter 1, Article 18.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 18, 1961.

Amended and Passed the Senate August 25, 1961.

House Concurred in Senate Amendment August 30, 1961.

Act No. 647

H. 1400—Locke, Sessions.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“Section 235 of the Constitution of Alabama shall be and hereby is amended so that said Section 235 shall read as follows:

Sec. 235. *The State of Alabama*, Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury or destruction. The legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than

double the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on demand of either party, be determined by a jury according to law.

Section 2. This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment in furtherance of the purposes and objectives hereinabove set forth.

Section 3. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office."

Constitutional Amendment.

Passed the House August 30, 1961.

Passed the Senate September 1, 1961.

Act No. 648

H. 1456—Murphy, Engel, Trimmier.

AN ACT

To propose and provide for the submission of an amendment to the constitution of Alabama providing for the levy and collection by Mobile County of a special tax, not exceeding three mills on each dollar of taxable property in the county, for public hospital purposes; providing for elections on the levy of the tax and, after a specified period on the discontinuance of the tax or reduction of its rate; providing for disposition of the proceeds from the tax; authorizing Mobile County Public Hospital Board, a public corporation, to anticipate the proceeds from the special tax by issuance of its securities and to make pledges with respect thereto; providing that any securities issued by the said corporation shall not constitute debts of Mobile County within the meaning of Section 224 of the Constitution or bonds of said county or of a political subdivision thereof, within the meaning of Section 222 of the constitution; providing for reduction of the rates of taxation permitted by the constitution to Mobile County and the municipalities therein

when the special tax is being levied and collected; and prohibiting under certain conditions appropriations to said corporation by Mobile County and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"A. The following terms, wherever used in this amendment, shall be given the respective meanings hereinafter set forth. 'The special tax' means the special county tax herein provided for. 'The board' means Mobile County Public Hospital Board, a public corporation existing under Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as amended. 'Public hospital facilities' means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, outpatient departments, nurses' homes, and nurses' training facilities and other facilities operated in connection with public hospitals. 'Public hospital purposes' means the acquisition by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients.

"B. If authorized by the vote of the majority of the qualified electors of Mobile County who participate in any election called for the purpose, the governing body of Mobile County must, subject to and in accordance with the provisions of this amendment, levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem county tax at a rate not exceeding three mills on each dollar of taxable property in Mobile County, the proceeds from which shall be used solely for public hospital purposes.

"C. If a majority of the qualified electors of Mobile County participating in the election on the adoption of this amendment shall vote for adoption of this amendment, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the special tax and in that event no additional election by the voters of Mobile County shall be required to authorize the levy of the special tax. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than three mills on each dollar of taxable property in Mobile County, then the governing body of Mobile County may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding three mills on each dollar of taxable property, and must

call any such election within three months after the receipt by the said governing body of a petition for the calling of such election signed by not less than five percent of the qualified electors of Mobile County; provided, however, that not more than one election upon the levy of the special tax or upon the increase in the rate thereof, up to but not exceeding three mills as aforesaid, shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of five years, the governing body of Mobile County may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction in the rate thereof, such discontinuance or reduction to become effective for the tax year of the county next succeeding the tax year during which any obligations of the board that may be outstanding at the time of the election and that are payable out of or secured by any part of the special tax shall be finally retired; and after said five year period, the said governing body must call an election on the question of said discontinuance or reduction within three months after receipt by the said governing body of a petition for such election signed by not less than five percent of the qualified electors of Mobile County. If a majority of the qualified electors of Mobile County voting in any election upon the discontinuance of the special tax or reduction of the rate thereof should vote in favor of such discontinuance or reduction, then the special tax shall be discontinued or its rate reduced, as the case may be, such discontinuance or reduction to become effective for the tax year next succeeding the tax year when any of the aforesaid obligations outstanding at the time of the election shall be retired; provided, however, that not more than one election upon the discontinuance of the special tax or a reduction in the rate thereof shall be held during any period of twelve consecutive months. If the special tax shall be discontinued or its rate reduced pursuant to any election held hereunder, its levy or an increase in its rate up to the aforesaid maximum of three mills may be authorized at a subsequent election or elections held hereunder, and the special tax may thereafter again be discontinued or reduced in rate pursuant to subsequent election or elections held hereunder, it being the intention hereof that the power of the governing body of Mobile County to call elections hereunder, and its duty to call them upon receipt of petition as herein provided, shall be continuous, subject only to the requirement that not more than one election may be held hereunder during any period of twelve consecutive months. All elections held under the provisions of this amendment shall be called, held, conducted, and canvassed in such manner as the governing body of Mobile County shall prescribe.

"D. Not later than February 1 in each tax year for which the special tax may be authorized hereunder to be levied, the board will certify to the governing body of Mobile County the rate of the special tax, not exceeding the rate at the time authorized by vote of the qualified electors of Mobile County as herein provided, that the board has determined should be levied in order to supply the funds needed for public hospital purposes during the next ensuing fiscal year of the board. During the month of February in each such tax year the governing body of Mobile County shall levy the special tax at such rate as may be certified by the board to be necessary, up to but not exceeding the rate then authorized as aforesaid, and the special tax so levied shall be due and payable on the then ensuing October 1. If the board should fail to make such certification with respect to the rate to be levied in any tax year, the governing body of Mobile County shall levy the special tax for that tax year at the maximum rate then authorized by vote of the qualified electors of the county as herein provided. All moneys derived from the collection of the special tax (after deduction of costs of assessment and collection thereof pursuant to any statutory provisions at the time applicable) shall be paid over to the board as received and used by the board for public hospital purposes in the county. The board may anticipate the proceeds from the special tax by issuing for any one or more public hospital purposes the bonds, warrants, or other securities, of the board and may pledge for payment of the principal thereof and interest thereon not exceeding 75% of the annual proceeds from the special tax. All such pledges of the special tax shall take precedence in the order in which they are made and shall create a charge on the special tax prior to the expenses of operating and maintaining any public hospital facilities. Bonds and other securities issued by the board, including those that may be issued in anticipation of the special tax and also any other securities issued by the board, shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 of the constitution and shall not be construed to be bonds of the county or of any political subdivision thereof within the meaning of Section 222 of the constitution.

"E. The rate of ad valorem taxation for general municipal purposes that is at the time otherwise permitted by the constitution to each particular municipal corporation in Mobile County shall be reduced for the tax year of the municipality next succeeding any tax year of Mobile County for which the special tax shall have been levied at a rate exceeding one and one-half mills on each dollar of taxable property in the county, any such reduction to be by a rate of millage equal to the rate

of millage by which the special tax so levied shall exceed one and one-half mills on each dollar of taxable property in the county.

"F. The rate of ad valorem taxation for general county purposes that is at the time otherwise permitted to Mobile County by the constitution shall be reduced, for any tax year for which the special tax shall be levied, any such reduction to be by the same rate of millage at which the special tax shall be levied for the same tax year or by one mill on each dollar of taxable property in the county, whichever shall be the lesser reduction.

"G. The rate of that certain ad valorem tax authorized by Amendment XVIII to the constitution, as amended by the amendment to the constitution known as Amendment XLII, and provided for also in those certain amendments to the constitution known as Amendments LX, C, CXXII, and CLI and in the constitutional amendment proposed by that certain act of the 1961 Regular Session of the Legislature of Alabama that was introduced in the said Legislature as House Bill 1067 shall be reduced, for each tax year for which the special tax shall have been levied at a rate exceeding one mill on each dollar of taxable property in the county, any such reduction to be by one-half mill on each dollar of taxable property in the county or by a rate of millage equal to the rate by which the special tax levied for that tax year exceeds one mill on each dollar of such taxable property, whichever shall be the lesser reduction.

"H. Mobile County and each municipal corporation therein are hereby prohibited from making any appropriation or payment to the board during any tax year of the county in which the special tax shall be collected, except to provide funds for constructing and equipping public hospital facilities, unless any such appropriation or payment shall have been authorized by a majority of the qualified electors of the political subdivision proposing to make such appropriation or payment at an election held on the question in the said political subdivision."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held pursuant to the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published

in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for election, and in any county in which there may be no newspaper published, the notice shall be posted in each courthouse therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Funds of the State such sums as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House August 26, 1961.

Amended and Passed the Senate August 30, 1961.

House Concurred in Senate Amendment August 30, 1961.

Act No. 649

H. 1489—Dunn, McCorquodale.

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Clarke County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

"Section 1. The court of county commissioners, board of revenue, or other like governing body of Clarke County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

"Section 2. If this amendment is approved and a majority of the qualified electors of Clarke County who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval,

the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes."

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1961 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 30, 1961.

Passed the Senate September 1, 1961.

Act No. 650

S. J. R. 48—Robison.

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the Senate and House be and they are hereby relieved of any responsibility for the Codes, Supplements, Acts, Journals and any other books furnished to the members of the Legislature, and

BE IT FURTHER RESOLVED that the Secretary of the Senate and the Clerk of the House be and they are hereby relieved of any responsibility for the legislative payrolls of all sessions of this year and said payrolls as heretofore submitted and paid are hereby approved.

Approved September 6, 1961

Time: 9:31 A.M.

Act No. 651

S. J. R. 49—Robison.

SENATE JOINT RESOLUTION

BE IT RESOLVED By the Senate, the House of Representatives Concurring, that the Secretary of the Senate and the Clerk of the House each be allowed the Enrolling and Engrossing Clerks and twenty assistants for six weeks in addition to that provided in the Code to assist in checking the Journals and other records of the Senate and House for delivery to the Secretary of State.

Approved September 6, 1961

Time: 9:30 A.M.

Act No. 652

H. 88—Camp, Nichols.

AN ACT

To exclude certain municipal privilege licenses from gross sales, or gross receipts, in the computation of State Sales Taxes (Act No. 100, H. 94, approved August 18, 1959, Acts 1959, vol. 1, p. 298).

Be It Enacted by the Legislature of Alabama:

Section 1. Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate, not exceeding one percent, of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer, shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of the Sales Tax levied by this State, under the provisions of Act No. 100, H. 94, approved August 18, 1959 (Acts 1959, vol. 1, p. 298), as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved September 6, 1961

Time: 11:50 A.M.

Act No. 653

H. 91—Leonard Johnston, Hardaway
Johnson, Turnham, Smith
(Russell).

AN ACT

To appropriate out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000) to the Department of Conservation,

Division of State Parks, Monuments and Historical Sites, to be used only for the purchase of lands for the development and restoration of the Fort Toulouse Site in Elmore County, Alabama, and to provide for the lease, sale, swap, exchange, transfer or other disposition of such lands to the United States Government without consideration if the United States Government will recognize said property as a historic site or national monument and will assume the management, control and operation of the Site after so recognizing same as a historic site or national monument.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000) to the Department of Conservation, Division of State Parks, Monuments and Historical Sites.

Section 2. The funds herein appropriated to the Department of Conservation, Division of State Parks, Monuments and Historical Sites shall be used only for the purchase of lands to be made a part of the Fort Toulouse Reservation in Elmore County, Alabama. The Department of Conservation, Division of State Parks, Monuments and Historical Sites, is hereby authorized, empowered and directed to use said funds, or so much thereof as may be necessary, to acquire title to said lands and to lease, sell, swap, exchange, transfer or otherwise dispose of such lands to the Government of the United States for the purpose or purposes incident to the creation and establishment of a national monument or national historic site by the United States Government. The right to convey such lands without consideration to the United States of America for such purposes is extended to the Department of Conservation, Division of State Parks, Monuments and Historical Sites.

Section 3. The comptroller is hereby authorized and directed to draw his warrant on the state treasury on funds to the credit of the General Fund upon requisition of the Director of Conservation with the approval of the Governor for the funds herein authorized in payment for such lands authorized to be purchased by this Act. Provided, however, that the Attorney General shall first certify that said lands are free and unencumbered and that the grantors have fee simple title thereto.

Section 4. Upon its passage and approval by the Governor or upon its otherwise becoming a law, this Act shall not be effective until October 1, 1961.

Approved September 6, 1961
Time: 11:35 A.M.

Act No. 654

H. 1275—Bailey, Goldthwaite,
Pierce, Goodwyn.

AN ACT

To declare the public policy of the State with respect to violation of Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, in Counties in Alabama having a population of not less than 150,000, nor more than 250,000 inhabitants according to the last or any subsequent Federal decennial census; to determine and declare that prosecution and the impositions of criminal penalties is inadequate to prevent violations and that the remedy at law to enforce the same is inadequate in such Counties; to declare that habitual violations of the statute constitutes a legal nuisance in such Counties; to provide certain exemptions; to prevent unfair competition among merchants and shopkeepers by reason of violations of said statute as amended in such Counties; to provide for means and procedure and to prescribe evidentiary presumptions for the enforcement thereof by injunction and to confer jurisdiction for enforcement upon courts having equity jurisdiction in such Counties; to render the provisions of this Act severable; to declare the date on which the Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This Act shall apply to all Counties having a population of not less than 150,000, nor more than 250,000 inhabitants according to the last or any subsequent Federal decennial census.

(b) Declaration of Policy. The maintenance of the public health is of vital importance to the general welfare of the State and its people. For the protection of the public health and general welfare, it is deemed essential that one day be set aside each week as a day of rest and relaxation in Counties to which this Act applies. This can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday, which is generally recognized and observed as a day of rest. Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, has made unlawful the general performance of labor and other activities and has provided penalties for the violation thereof, subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. For the purposes of this Act and in addition to the enumerated exceptions in Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, there is also excepted from the provisions of this Act, due to public necessity and policy, the operation of a food store in which less than four (4) persons have regularly worked each day for the immediately preceding thirty (30) consecutive days. Habitual violations of the Act are deemed and declared to be a legal nuisance in Counties to which this Act applies. The habitual

violation of this statute by some merchants and shopkeepers causes them to unfairly compete with others who comply with the law, and the criminal penalties for violation are inadequate as a means to prevent the same, and there is no adequate remedy at law in Counties to which this Act applies.

Section 2. Courts exercising general equity jurisdiction in Alabama within Counties to which this Act applies shall have authority to restrain and enjoin habitual violations of said statute. Evidence that such statute has been or likely will be habitually violated shall be sufficient ground of equitable jurisdiction without other allegation or proof of an inadequacy of remedies at law. If it should appear to the reasonable satisfaction of the Court from the evidence on a final hearing that such violations may or likely would continue unless enjoined, a permanent injunction will issue to restrain and enjoin the same. Proof of past violations will create a legal presumption that such violations will continue and will be habitual. Any other legal and pertinent evidence may be considered.

Section 3. The procedure for applications for and the grant of injunctions and the dissolution thereof and the right and procedure for appeal from the grant or denial or dissolution thereof in Counties to which this Act applies shall be governed by the general laws of the State of Alabama with respect to injunctions. Jurisdiction of a court of equity to restrain and enjoin violations of this statute may be invoked by bill of complaint filed in behalf of the State of Alabama by any Circuit or County Solicitor or Deputy Solicitor or like prosecuting officer within such Counties. Jurisdiction may likewise be invoked by any merchant or shopkeeper or merchants or shopkeepers who operate a store or stores within such Counties, to enjoin violations of said statute by other merchants or shopkeepers, who operate competitive stores within such Counties.

Section 4. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted if such unconstitutional or void matter had not been included therein.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 6, 1961
Time: 11:55 A.M.

Act No. 655

H. 1386—Johnston (Leonard),
Johnson (Hardaway).

AN ACT

To amend Act No. 10, H. 61, Regular Session 1911, an act requiring the commissioners' court of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 11).

Be It Enacted by the Legislature of Alabama:

Section 4 of Act No. 10, H. 61, Regular Session 1911, an act requiring the commissioners' court of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 11) is amended to read as follows:

"Sec. 4. The publisher of such newspaper shall furnish to the treasurer of said county a copy of the newspaper in which said publication is made, and it shall be the duty of the treasurer to count the number of words in such minutes and to pay said publisher on demand for such publication at the rate of one dollar per hundred words out of any funds in the county treasury; said treasurer shall also pay to the probate judge or such clerk of said court, for furnishing said copy at the rate of fifteen cents per hundred words out of any funds in the county treasury."

Approved September 6, 1961

Time: 11:46 A.M.

Act No. 656

H. 1404—Sessions, Rast, Hawkins,
Edwards, Perry, Mor-
row, Locke.

AN ACT

To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949,

page 647, approved August 23, 1949, and as amended by Act No. 496, General Acts of Alabama of 1951, page 882, approved August 22, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 10 of that certain Act of the Legislature approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, Page 647, approved August 23, 1949, and as amended by Act No. 496, General Acts of Alabama of 1951, Page 882, approved August 22, 1951, be and the same hereby is amended to read as follows:

"Section 10. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; to preserve same for a period of at least two years; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the probate judge and the license inspector of the county thirty days' notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or to preserve same as aforesaid, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the probate judge or his authorized deputy, auditor or representative or by the license inspector of the county, it shall be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of

such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined, including exhibition of bank deposit books and bank statements; and any such person whose place of business is located outside the county shall, upon the demand of such demanding person, produce such records at the office of the license inspector or probate judge for examination and auditing, or failing to do so shall pay the travel and per diem expenses of an auditor from the license inspector's or probate judge's office in coming to his place of business for the purpose of examining and auditing his books and records; and any person failing or refusing to submit such records for such inspection and examination upon such demand shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession within the county true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection, it shall be the duty of the license inspector or probate judge of the county to ascertain from such information and data as he may reasonably obtain the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment to the probate judge of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within 10 days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid, it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business as a distributor or seller, and each day's engagement in such business shall constitute a separate offense. (d) It shall be unlawful for any person connected with the administration of this Act to divulge any information obtained by him in the course of the inspection and examination of the books, invoices, reports, papers, or memoranda of the license taxpayer made pursuant to the provisions hereof, except to a person thereunto duly authorized by the governing body of a municipality of such county or to the judge of probate, the county attorney, the license inspector or others connected with the administration of this Act, or unless required under proceedings or orders of any competent court; provided, however, that

the provisions of this subdivision (d) shall not apply to written reports sworn to and subscribed by such distributors or sellers filed in accordance with the provisions of this Act. (e) Every person engaged in selling or transporting gasoline in any county subject to the provisions of this Act shall have at his place of business and also in his possession when transporting gasoline a report, or statement in writing, showing from whom all gasoline in his possession was received; provided, however, that this subsection shall not apply to a person who transports no gasoline except in the tank connected with the carburetor of the vehicle in which he is riding. Any person engaged in such business who transports gasoline for delivery at some point other than his place of business shall have in his possession a written report or statement showing the person to whom such gasoline is to be delivered, and showing the address of such latter person; provided, that this provision shall not apply to distributors duly qualified to do business in such counties in making local deliveries. Any person who sells, distributes, delivers, stores or takes out of storage gasoline in a tank-car truck or tank vehicle in such county shall have painted on the side of such truck or vehicle the word 'gasoline' and his business name and address, in letters of not less than four inches in height. (f) Every distributor and seller of gasoline who withdraws same from storage to be delivered to any person other than the ultimate consumers thereof shall require that such person make written affidavit, or statement in writing under penalty of perjury, showing the exact point or points to which each gallon of said gasoline is to be delivered; and it shall be the duty of each such distributor and seller to keep said statement under the provisions of this Act. (g) No gasoline shall be unloaded from motor trucks, or other vehicles, or conveyed in any other manner into storage tanks, or other equipment located at any gasoline service station in the county, or at any other place of business in the county at which gasoline is sold or offered for sale at retail to the public, between the hours of 9 P.M. and 5 A.M. of any day unless written permission has been first obtained to do so from the Director of Revenue of the county. Provided, however, that no such deliveries of gasoline shall be made between the hours of 9 P. M. on Saturday until 5 A. M. on the next successive Monday of any weekend, nor shall any permit be issued to do so.

Any distributor, seller, or person wishing to obtain such permission shall first submit written application in triplicate to the Director of Revenue of the county. Said application shall show the name and address of such applicant together with the complete name and address of each gasoline service station or other place of business in the county where the gasoline is to be unloaded, conveyed, or delivered, during the hours hereinbefore enumerated, by such distributor, seller, or person, his

agents, servants or employees obtaining such written permission.

Any such permit issued by the Director of Revenue may be in such form and be granted to cover such period of time as he may designate, and may be revoked by him at any time at his discretion. The permit herein authorized to be issued shall be a personal privilege, and shall not be transferable.

Such distributor, seller, or person, his agent, servant or employee shall, at all times when unloading, delivering or conveying gasoline to any gasoline service station or to any other place of business in the county, during the hours hereinbefore enumerated, have in his possession a loading ticket, bill, or manifest showing the name and address of the distributor or seller, the quantity and type of gasoline being conveyed or delivered, as well as a list showing the name and address of the gasoline service stations or other places of business to which the gasoline is to be delivered or conveyed. This loading ticket, bill, or manifest, as well as the list showing the name and address of the gasoline service stations or other places of business to which the gasoline is being delivered or conveyed, shall be completely filled out, in such detail as herein required by the distributor, seller, or person, prior to the time of departure of the vehicle, which it accompanies conveying the gasoline from the premises of such distributor, seller, or person. The distributor, seller, or person, his agent, servant or employee shall, immediately upon the completion of unloading, delivering, or conveying gasoline into storage tanks or other equipment located at any gasoline service station or any other place of business in the county, render to the recipient thereof an invoice or bill showing the name and address of the distributor or seller, the quantity and type of gasoline unloaded, delivered or conveyed as well as the name and address of such recipient.

Any person who violates any of the provisions of this subsection (g), upon conviction, shall be fined an amount equal to two times the retail price of the gasoline being delivered, but in any event not less than \$100.00."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 6, 1961

Time: 11:54 A.M.

Act No. 657

H. 1385—Johnston (Leonard),
Johnson (Hardaway).

AN ACT

Relating to Elmore County; levying a license tax on persons and others engaged in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases where used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: "this State" means the State of Alabama; "Elmore County" means Elmore County in this State; "State Sales Tax statutes" means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; "State Sales Tax" means the tax imposed by the State Sales Tax statutes; "State Use Tax statutes" means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 has been amended; "State Use Tax" means the tax imposed by the State Use Tax statutes; "registered seller" means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; "month" means a calendar month; "quarterly period" means the period of three months ending on the last day of each March, June, September, or December; "fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30

of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax statutes or in the State Use Tax statutes, as the case may be, except where the context herein clearly indicates a different meaning.

Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Elmore County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within Elmore County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

(b) Upon every person, firm or corporation engaged or continuing, within Elmore County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or

place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Elmore County, an amount equal to one percent (1%) of the gross receipts of any such business;

Provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax; and there are likewise exempted the gross proceeds of sales of automotive vehicles, truck trailers and semi-trailers, machines and machinery used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and machinery and the attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and machinery and are customarily used in the operation thereof.

Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on the storage, use or other consumption in Elmore County of tangible personal property purchased at retail, on or after the first day of October, 1961, for storage, use or other consumption in Elmore County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Elmore County or in this State; provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are exempted under the State Use Tax statutes from the State Use Tax; and there are likewise exempted the storage, use or other consumption of any automotive vehicle, truck trailer or semi-trailer purchased at retail, and any machine or machinery used in mining, quarrying, compounding, processing or manufacturing of tangible personal property, including the parts of such machines or machinery and attachments and replacements therefor. Subject to the exemptions provided for in the preceding sentence, every person storing, providing or otherwise consuming in Elmore County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Elmore County shall be sufficient

to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Due Dates and Payment of, and Reports Respecting, the Taxes herein Levied. All taxes levied in this act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the State Sales Tax and the State Use Tax. On or prior to the due dates of the taxes herein levied each person subject to said taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of Elmore County, or its designated agent, at reasonable times during business hours.

Section 5. Collection, Payment and Report by Registered Sellers of Tax Levied in Section 3 hereof. Every registered seller regularly and continually making sales of tangible personal property for storage, use or other consumption in Elmore County (which storage, use or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sales or, if the storage, use or other consumption of such tangible personal property in Elmore County is not then taxable under this act, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 here-

of, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the tax imposed by Section 3 of this act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period covered by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in Elmore County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use or other consumption of which is subject to the tax imposed by Section 3 of this act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4 hereof.

Section 6. Tax to be Passed on to Purchaser, User or Consumer. Each person engaging or continuing within Elmore County in a business subject to the taxes levied in Section 2 of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount

of the tax imposed by Section 3 of this act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. Enforcement and Collection of Taxes herein Levied; Taxes Constitute a Lien on Property of Persons from Whom Due. The taxes imposed by this act shall constitute a debt due Elmore County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this State which apply to the enforcement of liens for license taxes due this State shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of Elmore County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this State or the department has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Elmore County.

Section 8. Adoption by Reference of State Sales Tax Statutes and State Use Tax Statutes, where Applicable. All provisions of the State Sales Tax statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Sales Tax statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the State Use Tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Use Tax statutes, the promulgation of rules and regulations with respect to the

State Use Tax, and the administration and enforcement of the State Use Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The State Commissioner of Revenue and the State Department of Revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the State Sales Tax statutes and the State Use Tax statutes. All provisions of the State Sales Tax statutes and the State Use Tax statutes that are made applicable in this act to the taxes herein levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Discounts allowed Retailers and Registered Sellers. Each person subject to the license tax provided for in Section 2 hereof shall be allowed and may retain, out of the taxes levied by said Section 2 and payable by such retailer, a discount equal to two per cent (2%) thereof. Each registered seller shall be allowed and may retain, out of the taxes herein required to be collected by such registered seller, a discount equal to three per cent (3%) thereof.

Section 10. Disposition of Revenues from Taxes herein Levied. The state department of revenue shall charge Elmore County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed three per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Elmore County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Elmore County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the

benefit of the county during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of Elmore County in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public funds for Elmore County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other county funds, and shall maintain separate records of such special account. The net revenue derived by Elmore County from the taxes levied in this act shall be used exclusively for public school purposes within the county.

Section 11. Termination of Levy. The levy of taxes herein made shall terminate at midnight on September 30, 1965. All of the provisions of this act pertaining to payment and collection of the taxes herein levied, the making of reports and maintenance of records with respect thereto, and in general the enforcement of this act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to October 1, 1965.

Section 12. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 13. Effective Date of Act. This act shall become effective October 1, 1961.

Approved September 6, 1961
Time: 11:45 A.M.

Act No. 658

H. 24—Smith (Russell), Grouby, Oden,
Vickers, Pruitt.

AN ACT

To authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$4,000,000 principal amount of bonds for such purposes; to

authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. *Legislative Intent.* — It is the intent of the Legislature by the passage of this Act to authorize the incorporation of the Governor, the Director of Finance, and the Attorney General as a public corporation for the sole purpose of acquiring land for and constructing thereon and operating, maintaining and reconstructing or contracting for the construction, operation, maintenance and reconstruction, of a state office building or buildings, and to vest such corporation with all powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose. This Act shall be liberally construed in conformity with the purpose expressed.

Section 2. *Definitions.* — The following terms, wherever used in this Act, shall have the following respective meanings unless the context clearly indicates otherwise:

“The Authority” means the public corporation organized pursuant to the provisions of this Act.

“Bonds” means the bonds issued under the provisions of this Act.

“State” means the State of Alabama.

Pronouns when used in this Act shall include all applicable genders.

Section 3. *Power to Incorporate.* — The Governor, the Director of Finance, and the Attorney General may become a public corporation with the power and authority hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. *Provisions for Incorporation.* — To become a corporation, the Governor, the Director of Finance, and the Attorney General shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (1) the name, official designation, and official residence of each of the applicants, together with a certified copy of the document evidencing each applicant's right to office; (2) the date on which each applicant was inducted into office and the term of office of each of the applicants; (3) the name of the proposed corporation, which shall be the Alabama Building Finance Authority; (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. *Consummation of Incorporation.* — When the application has been made, filed, and recorded as provided in the preceding section, the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application, whereupon the applicants shall constitute a public corporation and agency of the state under the name proposed in the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 6. *Members, Directors and Officers of the Authority.* — The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be the president of the Authority, the Attorney General shall be the secretary of the Authority and the Director of Finance shall be treasurer of the Authority. The members of the Authority shall constitute

all the members of the board of directors of the Authority, which shall be the governing body of the Authority. A majority of the members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director, as the case may be, of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All resolutions adopted by the board of directors shall constitute actions of the Authority, and all proceedings of the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by the members of the Authority, and shall be recorded in a substantially bound book and filed in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. *Powers of the Authority.* — The Authority shall have the following powers among others specified in this Act: (1) to have succession by its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto; (3) to have and to use a corporate seal and to alter the seal at pleasure; (4) to establish a fiscal year; (5) to provide for the construction, reconstruction, alteration, and improvement of public office building facilities, and for the procurement of sites and equipment for such facilities; (6) to anticipate by the issuance of its bonds as hereinafter limited the receipt of the revenues from such facilities; (7) as security for the payment of the principal of and interest on its bonds, to enter into any lawful covenant and to pledge the revenues from such facilities; (8) to invest as hereinafter provided the proceeds from the sale of its bonds pending need therefor; (9) to appoint and employ such attorneys, agents and employees as the business of the Authority may require, subject to the merit system where applicable, and where the services of state employees are required in addition to their regular duties, to pay additional compensation for their services rendered to the Authority; and (10) to contract, lease and make lease arrangements as hereinafter provided for the use and occupation of all or any part of the office

building or buildings constructed, reconstructed, altered, maintained or improved by it.

Section 8. *Power of Condemnation.* — The Authority shall have the same powers of eminent domain which shall be exercised in the same manner and under the same conditions as are provided by law for the exercise of the powers of eminent domain by the State of Alabama.

Section 9. *Authorization of Bonds.* — The Authority is hereby authorized from time to time to sell and issue its bonds, not exceeding Four Million Dollars (\$4,000,000) in aggregate principal amount, for the purpose of providing funds for the acquisition of public office building sites, for the construction, reconstruction, alteration, and improvement of public office building facilities, for the procurement of equipment therefor, and for payment of obligations incurred for any of said purposes.

Section 10. *Refunding Bonds.* — The Authority may from time to time sell and issue its refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. *Execution of the Bonds.* — The bonds of the Authority shall be signed by either its president or its treasurer as shall be provided in the resolution under which the bonds shall be issued, and the seal of the Authority shall be affixed to the bonds and attested by its secretary; provided, that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced on any of the bonds in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on any of the bonds in lieu of being manually affixed thereto. Any interest coupons applicable to the bonds shall be signed with a facsimile of the signature of either the president or the treasurer as shall be provided in the resolution under which the bonds shall be issued. If, after any of the bonds or interest coupons thereunto appertaining shall be so signed, whether manually or by facsimile, any such officer shall for any reason vacate his said office, the bonds and interest coupons so signed may nevertheless be delivered any time thereafter as the act and deed of the Authority. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denomi-

nations and of such tenor and maturities, shall bear such rate or rates of interest, payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than thirty years after its date. Each bond of the Authority having a specified maturity date more than ten years after its date shall be made subject to redemption at the option of the Authority at the end of the tenth year after its date, and on any interest payment date thereafter, under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors may deem advantageous, but must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days before the date for the sale. The Board of Directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of delivery thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. The Authority may pay out of the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorneys fees, and other expenses which said board of directors may deem necessary and advantageous in connection with the authorization, advertisement, sale, execution and issuance of such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds referred to in Section 20 hereof. In the event the Authority shall make more than one pledge of the same revenues, such pledges shall take precedence in the order of the adoption of the resolutions in which the pledges are made; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. Neither a public hearing nor consent of the State Department of Finance of any other department or

agency of the state shall be a prerequisite to the issuance of bonds by the Authority.

Section 12. *Investment of Proceeds from Sale of Bonds.* — Any portion of the principal proceeds derived from the sale of the bonds which the board of directors of the Authority may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the State Treasurer in any securities that are direct general obligations of the United States of America or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States of America. Any such securities may, at any time and from time to time on order of the Authority, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 13. *Exemption from Taxation.* — The properties of the Authority and the income therefrom, all lease agreements made by the Authority, and all bonds issued by the Authority and the coupons applicable thereto and the income therefrom and all lien notices filed with respect thereto shall be forever exempt from any and all taxation in the State of Alabama.

Section 14. *Bonds and Coupons Constitute Negotiable Instruments.* — All bonds issued by the Authority, while not registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the Authority, while the applicable bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 15. *Obligations Not a Debt of the State.* — All obligations incurred by the Authority and all bonds issued by it shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State of Alabama.

Section 16. *Bonds of the Authority Lawful Security for State Deposits and Lawful Investment for Fiduciary Funds.* — Any bonds issued by the Authority may be used by the holders thereof as security for deposits of any funds belonging to the state or to any instrumentality, agency or political subdivision of the state in any instance where security for such deposits may be required or permitted by law. Any surplus in any state

fund and any retirement or trust fund, where the investment thereof is permitted or required by law, may be invested in bonds issued by the Authority. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the Authority.

Section 17. *Use of Proceeds from Sale of Bonds.* — All proceeds derived from the sale of any bonds (except refunding bonds) sold by the Authority remaining after payment of the expenses of issuance thereof shall be turned over to the State Treasurer, shall be carried by him in a special account to the credit of the Authority, and shall be subject to be drawn on by the Authority solely for the purposes of acquiring land for and constructing, reconstructing and equipping one or more office buildings and all reasonable and necessary expenses incidental thereto, including interest which shall accrue on said bonds during the construction of said building or buildings and for a period not exceeding six months thereafter. Any balance of said proceeds thereafter remaining shall, upon completion of the building or buildings for which the bonds were issued and the payment of all costs in connection therewith, be transferred to the reserve fund account of the Authority. The reasonable and necessary expenses incidental to the construction of any new building shall, if deemed advisable by the Authority, include all or any part of the expense of providing adequate housing, during the construction of such new building, for any state agencies using any building or other structure which is demolished for the purpose of providing a suitable site for the construction of any such new building. All proceeds from the sale of refunding bonds issued by the Authority remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of bonds of the Authority theretofore issued under this Act and then outstanding and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 18. *Construction of Buildings.* — All buildings constructed by the Authority shall be constructed according to plans and specifications of architects or engineers selected by the Building Commission created by Act No. 128 adopted at the 1945 Regular Session of the Legislature of Alabama (hereinafter called "the commission"). Such construction shall be done under the supervision and direction of the commission

or any agency designated by the Legislature as its successor, following award for each part of the work to the lowest responsible bidder after advertising for receipt and public opening of sealed bids; provided, that the invitations for bids and the bidding documents shall be so arranged that any alternates from the base bid shall constitute cumulative deductions from the base bid and in determining the lowest bidder, if funds are insufficient to construct the building on the lowest base bid, then the commission may proceed to consider the bids upon the basis of the base bids of all bidders minus the respective reductions stated for the first alternate, and if the lowest bid so determined is not then within the funds available, the commission shall proceed to consider the base bid minus the first and second alternates together to determine the lowest bid, and in like manner throughout all alternates, if need be, so that in no event shall there be any discretion as to which alternate or alternates will be used in determining the lowest responsible bidder. All such contracts shall be lump sum contracts. All contracts for the entire work shall be awarded at the same time but notice to proceed may be withheld until prior work under another contract has progressed to a point where the joint or following work can best be coordinated for the earliest completion of the entire project in a sound and workmanlike manner. The contract shall be executed by the Authority upon the determination of the commission as to the lowest bidders, respectively. Payments made by the Authority under the construction contracts shall be upon the contractor's written sworn request only if endorsed as approved by the commission or in any lesser amount the commission shall endorse as having been then earned on said contract. The Authority and the commission shall agree to a construction cost estimate including reimbursement to the commission of its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work. After the contracts have been awarded such construction cost estimate shall be revised and all extras on the contracts shall be awarded within the funds available. As promptly as may be practicable after the effective date of this Act, the commission shall proceed with the preparation of plans, specifications and bidding documents so that bids may be asked as near to ninety days after the effective date hereof as is possible.

Section 19. *Conveyance to Authority by State.* — The Governor of Alabama is authorized to execute and deliver immediately before or simultaneously with the issuance of the first bonds of the Authority and appropriate deed conveying to the Authority any land belonging to the State in the vicinity of the Capitol Building block, situated in the City and County

of Montgomery, Alabama. Upon delivery of such deed to the Authority it thereby shall be invested with all rights and title that the State of Alabama had in the property conveyed thereby, subject to the right of reverter to the State upon the dissolution of the Authority. The consideration for said conveyance shall be the Authority's agreement to reconvey said land to the State, with all improvements thereon free of charge, immediately before the dissolution of the Authority. Since said land would otherwise remain unimproved, said consideration is hereby conclusively determined to be valuable, adequate and fair. Immediately prior to its dissolution the Authority shall also convey to the State all other assets acquired by the Authority, whether by purchase, gift, grant or otherwise, provided the terms of the grant are not violated thereby.

Section 20. *Creation of Fund for the Benefit of the Bonds.* — For the purpose of providing funds for the payment of the principal of and interest on the bonds issued by the Authority under the provisions of this Act, there is hereby created and irrevocably pledged to the payment of such obligations a special and continuing trust fund which shall consist of all receipts and income from rents contracted for and received by the Authority under leases of the building or buildings constructed with the proceeds from the sale of the bonds. There shall be created within said special and continuing trust fund a reserve fund account of said Authority in the State Treasury in which shall be placed as a trust fund and held separate and apart from all other monies of the State or of the Authority, (1) any moneys left after the completion of the building and the payment of all costs in connection therewith and in connection with the issuance of the bonds, and, (2) all excess rentals and other surplus income from the building or buildings constructed with the proceeds from the sale of the bonds remaining each fiscal year after payment of all charges and expenses of operating and maintaining such building or buildings during such fiscal year, including all payments required to be made during such fiscal year with respect to the bonds issued for such building or buildings. Said reserve fund shall be held by the State Treasurer in trust for the Authority and the holders of its bonds and may be invested only in securities which are either direct obligations of the United States of America or fully guaranteed as to principal and interest by the United States of America. Said reserve fund shall be used to pay, when due and payable, any installment of principal or interest or both on the bonds for which said fund was created which cannot be paid out of current revenues or other moneys of the Authority. Said funds shall not be diverted or used for any other purpose. There shall also be created in said

special and continuing trust fund an account thereof in which shall be deposited, segregated and held only the amounts reasonably estimated to be necessary for the maintenance, operation and upkeep of said buildings with all excess moneys at the end of each fiscal year being transferred to the reserve fund.

Section 21. *Pledge and Lien for Benefit of Bonds.* — In the proceedings authorizing the issuance of any of its bonds, the Authority is authorized and empowered to pledge for the payment of the principal of and interest on such bonds at the respective maturities of said principal and interest, and to agree to use solely for such purpose, all the revenues which under the provisions of Section 20 hereof are provided for the payment of the said principal and interest. In said proceedings the Authority may further provide and create, as security for the payment of said principal and interest, a statutory lien upon the buildings and properties for the acquisition and construction of which the bonds are issued. Such statutory lien shall not be subject to foreclosure and, in the event of default in the payment of any such principal or interest, the remedies thereunder shall be limited to a remedy by way of mandamus and to the appointment, as a matter of right, by any court having equity powers and having jurisdiction over the Authority, of a receiver in equity with all the powers of such a receiver, except the power to sell the said buildings and properties. Upon the issuance of any bonds pursuant to this Act the Authority shall file in the office of the Judge of Probate of Montgomery County, Alabama, an instrument reciting the issuance of such bonds and the pledge of said revenues and the creation of said statutory lien as security therefor, and the filing of such instrument shall constitute constructive notice of said pledge and lien. Such instrument shall be received and recorded by said Judge of Probate upon the payment of the fee for the recording of mortgages but no tax shall be payable with respect thereto.

Section 22. *State Treasurer to Disburse Funds.* — Out of the revenues referred to in Section 20 hereof, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds as such principal and interest shall respectively mature, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 23. *Terms and Conditions of Leasing by Authority.* — The Authority and the executive head of any agency, board, commission, public corporation, bureau or department of the State of Alabama, or of the United States, or the successor in office and duties of such executive head, are hereby authorized to enter into a lease or leases for the use and oc-

cupancy of offices and storage space in the building or buildings constructed by the Authority under the provisions of this Act. Such executive heads are hereby separately authorized to enter into lease agreements for the use and occupancy of any space in the said building or buildings. It is hereby expressly provided, however, that the Authority shall not enter into any lease with the executive head of any agency, board, commission, public corporation, bureau, or department of the State of Alabama, or of the United States, as hereinabove provided, or with any private individual, as hereinafter provided, so long as any space is vacant in the building or buildings presently owned by either Alabama Building Corporation or Alabama Building Authority; provided, (a) that the restriction contained in this sentence shall not apply to storage space in any building or buildings owned by Alabama Building Corporation if the board of directors of Alabama Building Corporation and the Governor agree that the available space in the building or buildings owned by Alabama Building Corporation is not suitable for the use of the agency desiring to lease other space, and (b) that the restriction contained in this sentence shall not apply to storage space in any building or buildings owned by Alabama Building Authority if the board of directors of Alabama Building Authority and the Governor agree that the available space in the building or buildings owned by Alabama Building Authority is not suitable for the use of the agency desiring to lease other space. The Authority may also enter into leases with individuals with respect to concession space such as space for a cafeteria, lunch room, or vending machines, if it shall determine that such concession will not interfere with, but will better serve, the occupants of the office building or buildings owned by the Authority. No free space shall be available in any of said buildings so long as the principal of or interest on any bonds, including refunding bonds, issued by the Authority remains unpaid. Should any space become vacant in any building constructed by the Authority, and should no suitable space be available in any of the buildings presently owned by either Alabama Building Corporation or Alabama Building Authority, then no agency, board, bureau, commission, public corporation or department of the State of Alabama shall rent any further space or renew any lease for space in or about the City of Montgomery for office use or storage space until after all of the vacant space in the buildings owned by the Authority shall have been filled; provided, that the foregoing restrictions in this sentence shall not apply to storage space only if the board of directors of the Authority and the Governor agree that the space in the buildings owned by the Authority is not suitable for the use of an agency desir-

ing to lease other space. It is hereby covenanted that no building hereafter built shall be required to be occupied by any such state agency other than the agency for which such later constructed building is expressly built until the space in the buildings constructed by the Authority is filled, and that whenever space in the buildings constructed by the Authority is, or is about to become, vacant, uneconomic reconditioning of other office quarters will not be undertaken if leasing space in the buildings constructed by the Authority is more advantageous to the agency in question.

Leases between the Authority and any state agency shall be in such form as not to constitute a debt of the State of Alabama. Any such lease may contain and grant to the lessee therein successive options of renewing the said lease on the terms specified therein for any subsequent fiscal year, provided that liability for the payment of the rent shall never be for a term longer than one fiscal year. Any such lease may contain appropriate provisions as to the method by which the lessee may, at its election, exercise any of the said options of renewal. Any grants received by any such agency from the federal government for the making of rental payments, to the fullest extent permitted by the conditions thereto attached, shall be held in the State Treasury in a special account to be automatically transferred, when available, to the special trust fund of the Authority. To the extent that there is any state appropriation for the rental of the space so represented by a Federal grant, said state appropriation shall lapse pro tanto for the period of rental payment represented by said Federal grant.

If at any time there is, or is about to be, vacant space in the building or buildings constructed by the Authority, and no state agency is able to take such space, then, but only in such event, in order to prevent default in its bonds, the Authority is hereby authorized to enter into leases with any county or municipal corporation or other public body including the federal government and, if such public authorities have no need for such space, then with private persons, firms, corporations or associations, for office purposes only, pursuant to and subject to such rules and regulations as to occupancy as may be adopted by the Authority. Any such lease with a public authority or with a private person, firm, corporation or association shall not be for the purpose of competing with private enterprise or for lending public credit but shall be solely for the use and benefit of the holders of the Authority's bonds to avoid default thereon and to insure the prompt payment of the principal thereof and interest thereon when due.

All leases provided for in the preceding paragraph shall be based upon a rental rate (established by the Authority) commensurate with the commercial rates for similar space in a building of like character in the City of Montgomery and shall take into consideration the advantages of any improvements or devices such as air conditioning; provided, that if any Federal grant to or for a state agency shall be conditioned upon a cessation of "shelter rent" (i.e. an amount equivalent to the prorated amortization of all principal and interest for the space occupied in relation to all tenanted space from time to time) then such cessation may be granted after, but only after, the prorated space has been proportionately fully amortized and prorated interest paid, so long as said federal condition subsists, but nevertheless a rental payment for the fair cost of operation, maintenance and repair and any other running expenses shall continue.

Rental payments by state agencies shall be due in advance on the first day of the fiscal year and shall upon being so paid entitle the agency to quiet possession and maintenance, repairs, utilities and other customary office building services, as agreed on in the applicable lease for the remainder of said fiscal year. The rental payment for the first year or part of a year shall be due and payable when the Authority notifies the tenant agency that the space is tenantable, and the rent for the remainder of the then current fiscal year shall be prorated in the same proportion as the number of days then remaining in the then current fiscal year bears to the total number of days in such fiscal year.

Section 24. *Presumption of Validity of Bonds and Publication of Notice Thereof.* — Any resolution authorizing any bonds hereunder shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this Act, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the passage of any resolution providing for the issuance of bonds under the provisions of this Act, the Authority may, in its discretion, cause to be published once in each of two consecutive weeks in a newspaper published and having general circulation in the City of Montgomery a notice in substantially the following form (the blanks being first properly filled in):

"Alabama Building Finance Authority, an Agency of the State of Alabama, on the day of, 19....., adopted a resolution providing for the issuance of

..... Dollars principal amount of bonds of said Authority. Any action or proceeding questioning the validity of said resolution or said bonds or the pledge and agreements made in said resolution for the benefit thereof, or the proceedings under which said bonds, pledge and agreements were authorized, must be commenced within twenty days after the first publication of this notice.

Alabama Building Finance Authority

By
Its President"

Any action or proceeding in any court seeking to set aside or invalidate a resolution providing for the issuance of bonds under the provisions of this Act or to contest the validity of any such bonds, or the validity of any pledge or agreement made therefore, must be commenced within twenty (20) days after the first publication of said notice. After the expiration of twenty (20) days following such first publication, no right of action or defense founded upon the validity of the resolution or other proceedings, if any, or of the bonds, or of the pledge or agreements, shall be asserted. In the event of such publication the validity of such resolution, proceedings, bonds, pledge or agreements shall not be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County.

Section 25. *Dissolution of the Authority.* — When all securities issued by the Authority and all obligations assumed by it under the provisions of this Act shall have been paid in full, the then president of the Authority shall thereupon execute and deliver in the name of and in behalf of the Authority an appropriate deed, or deeds, to which the seal of the Authority shall be affixed and attested by the secretary of the Authority, whereby there shall be conveyed to the state all the buildings, properties and other assets then owned by the Authority. The then officers and directors of the Authority shall at such time file with the Secretary of State a written statement, subscribed and sworn to by each of them, reciting the payment in full of all bonds theretofore issued by the Authority and the execution and delivery of such deed or deeds to the state, which statement shall be filed by the Secretary of State and recorded with the certificate of incorporation of the Authority, whereupon the Authority shall stand dissolved.

Section 26. *Severability Clause.* — The provisions of this Act are severable. In the event any section or part thereof is declared invalid, such declaration shall not affect the validity of the part and sections which remain.

Section 27. *Effective Date of Act.* — This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 6, 1961

Time: 12:50 P.M.

Act No. 659

H. 350—Ferguson, Grouby.

AN ACT

For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

WHEREAS the state highway department approved Kisor Construction Company, of Centre, Alabama, as a general contractor for highway contracts in this state, and awarded such company contracts for certain construction work in connection with Alabama highway projects F-FG-387(3), Talladega County, and F-859-(1), Marion County, and accepted as surety for the faithful performance of such contracts by said Kisor Construction Company, a bond, or bonds, issued by Alabama General Insurance Company, and

WHEREAS Sisk and Meade, contractors, of Centre, Alabama, was a subcontractor of said Kisor Construction Company on said highway projects and such work was in fact completed by Sisk and Meade, contractors; and

WHEREAS said Kisor Construction Company and Alabama General Insurance Company have both been declared bankrupt or are insolvent and the assets of these companies are not sufficient for any further or additional payment to the said Sisk and Meade, contractors, although there is a balance due the said subcontractors by the said prime contractor amounting to eleven thousand, one hundred twenty-eight dollars and seventy-three cents (\$11,128.73); and

WHEREAS Sisk and Meade, the subcontractors, has never been paid the amount due; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of eleven thousand, one hundred twenty-eight dollars and seventy-three cents (\$11,128.73) is

hereby appropriated from any unpledged funds in the state treasury to the credit of the state highway department, to the use and benefit of Sisk and Meade, contractors, of Centre, Alabama, to compensate said Sisk and Mead for construction work done on the above described Alabama highway projects.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 6, 1961

Time: 12:25 P.M.

Act No. 660 H. 669—Copeland, Pierce, Bailey, Boyd, Glass, Ramey, R o b e r t s, Branyon, Oakley, McCorquodale, H a r v e y, Trimmier, Goodwyn, Adams, Rozelle, Brannan, Sullivan, Lee, Dickson, Gilmer, Hain, Hardy, Pruitt, Jones (Monroe), Johnson (Tom), Jenkins, Cates, Phillips.

AN ACT

To provide for assessment and collection of ad valorem taxes on motor vehicles; amending further Code of Alabama, 1940, Title 51, Section 704.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 704, as amended by an act approved November 21, 1959, is amended further to read as follows:

“Section 704. (a) To prevent motor vehicles within the meaning of this article from escaping taxation and to provide for a more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the probate judge as provided under this article, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding tax year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, or if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which said motor vehicle is used or operated. Every person who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, and every

firm or corporation that so desires to operate a motor vehicle shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county from which such motor vehicle is used or operated, and the tax assessor of such county shall deliver to the person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. Valuation for ad valorem assessment shall be sixty percent of the fair and reasonable value of the motor vehicle. Before any vehicle can be assessed, the assessor shall be furnished the tag number presently on the vehicle, unless such vehicle is new and a tag therefor has never been bought, in which case the assessor shall be furnished a bona fide bill of sale from the dealer showing when the car was bought new, or in the case of a used car brought into the State from any State which provides that upon sale or transfer of a car, the tags are either surrendered to the appropriate authority or subsequently reusable by the seller or transferor, in which case the assessor shall be furnished a bona fide Certificate of Title, properly assigned, showing when the car was sold to an individual, firm, corporation or association, living or operating in this State. If such tag number or bill of sale or Certificate of Title is not furnished, the vehicle will be presumed to have been in the state for the entire year for which taxes are being assessed and taxes assessed for the entire year.

“(b) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and the ad valorem tax due as provided under this article. The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor certifying that there is no ad valorem tax on the motor vehicle due for the preceding tax year.

“(c) Motor vehicles brought into the state during any tax year, or new motor vehicles for which licenses have never been issued, sold from the stock of a dealer during any tax year, shall be subject to taxation the same as if they had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly basis as follows:

“(1) Motor vehicles brought into the state or sold from stock after the first day of October, 1961, or of any subsequent year, but before the first day of January following, shall be

subject to taxation the same as if held or owned in the state on the first day of October.

“(2) Motor vehicles brought into the state or sold from stock after the last day of December, 1961, or of any subsequent year, but before the first day of April following, shall be subject to taxation for three quarters of the tax year.

“(3) Motor vehicles brought into the state or sold from stock after the last day of March, 1962, or of any subsequent year, but before the first day of July following, shall be subject to tax for one-half of the tax year.

“(4) Motor vehicles brought into the state or sold from stock after the last day of June, 1962, or of any subsequent year, but before the first day of October following, shall be subject to tax for one-fourth of the tax year.

“(d) The tax assessors and tax collectors of the several counties in this state in addition to assessing and collecting the ad valorem taxes due the state and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this state. The tax collector shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes are reported and paid over by him. Said assessors and collectors shall each receive a commission of two and one-half per cent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying the city treasury, and at the same time pay over to the tax assessor commissions due him under this article. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the said state, counties and cities are paid for the preceding tax year as shown by a receipt of the tax collector.

“(e) After the thirtieth day of September, 1961, motor vehicles shall not be included in any assessment made by any person, firm or corporation under the provisions of section 21 (d) of this title as of the first day of October, 1961, or any subsequent year, and such motor vehicles shall not be considered an escape property by reason of the failure to include the same in any tax return as of the first day of October, 1961, or any subsequent year; all motor vehicles shall be assessed and the taxes thereon shall be collected solely as herein provided.”

Approved September 6, 1961
Time: 12:12 P.M.

Act No. 661

H. 1396—Goodwyn, Pierce, Bailey,
Goldthwaite.

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, and 32, all in Township 17 North, Range 18, East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning on the north right of way line of the Seaboard Air Line Railway at a point 83.5 feet more or less east of the west line of Section 33, T17N, R18E, Montgomery County, Alabama, said point being on the east right of way line of the Fairgrounds Road and on the existing city limits line of the City of Montgomery, Alabama, thence north and parallel to the west line of said section 33 to a point on the north line of said section 33, thence west along the north line of said section 33 a distance of 83.5 feet more or less to the northwest corner of said section 33; the said 1 point also being a common corner for the SE corner of Section 29, T17N, R18E; thence north along the east line of said Section 29 to the NE corner of said Section 29; thence west along the north line of said Section 29 a distance of 1,834 feet, more or less, to a point on the easterly right of way line of Lower Wetumpka Road; thence southwesterly along the easterly right of way line of said Lower Wetumpka Road a distance of 2,461 feet, more or less, to a point on the south right of way line of Johnson Avenue (West Boylston Area); thence east along the south right of way line of said Johnson Avenue a distance of 1,183.7 feet, more or less, to the west side of Fourth (4th) Street (West Boylston Area); thence south along the west side of said Fourth Street and projection thereof a distance of 850.8 feet, more or less, to a point on the north right of way line of the Western Railway of Alabama; thence westerly along the north right of way line of said Western Railway a distance of 181 feet, more or less, to a point; thence south along a line a distance of 1,450.4 feet, more or less, to the NE corner of Lot 32 in Block 6, according to the map of Vandiver Place, as recorded in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 8, at Page 38; thence west along the north line and projection thereof of Blocks 6 and 5, according to the said map of Vandiver Place a distance of 1,485.3 feet, more or less, to a point on the westerly right of way line of Lower Wetumpka

Road; thence northerly along the westerly right of way line of said Lower Wetumpka Road a distance of 1048 feet, more or less, to a point on the south right of way line of the Western Railway of Alabama, thence in a southwesterly direction, along the south right of way line of said railroad and southwesterly along a line being an extension of the said south right of way, said line being a distance of 50 feet from the center line of the main line track at all points, measured perpendicular to said center line, to a point on the south line of the north one-half of Section 31, T17N, R 18E, Montgomery County, Alabama, the said point being on the now existing City Limits line of said City of Montgomery, Alabama; thence along the existing City Limits line, said line running east along the south line of the north one-half of Sections 31 and 32, T17N, R18E, Montgomery County, Alabama to a point on the north right of way line of the Seaboard Air Line Railway, thence east along the north right of way line of the Seaboard Air Line Railway to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 6, 1961
Time: 12:10 P.M.

Act No. 662

H. 1397—Goodwyn, Goldthwaite,
Bailey, Pierce.

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, 32 and 33, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the Corporate Limits of the said City certain additional territory lying within the following described boundaries, to-wit:

Beginning on the north right of way line of the Seaboard Air Line Railway at a point 83.5 feet more or less east of the west line of Section 33, T17N, R18E, Montgomery County, Ala., said point being on the east right of way line of the Fairgrounds Road and on the existing city limits line of the City of Montgomery, Ala., thence north and parallel to the west line of said section 33 to a point on the north line of said section 33, thence

west along the north line of said Section 33 a distance of 83.5 feet, more or less, to the northwest corner of said Section 33; the said point also being a common corner for the SE corner of Section 29, T17N, R18E; thence north along the east line of said Section 29 to the south right of way line of the Western Railway of Alabama, thence in a westerly direction along the south right of way line of said Railroad a distance of 1870 feet, more or less, to a point on the northerly projection of the east line of the Map of Vandiver Place, as the same is filed for record in the office of the Judge of Probate, Montgomery Co., Ala., in Plat Book 8, Page 38, thence in a southerly direction along said northerly projection of the east line of said Map of Vandiver Place a distance of 1348 feet, more or less, to the northeast corner of Lot 32 in Block 6, of said Map of Vandiver Place, thence west along the north line and projection thereof of Blocks 6 and 5, according to the said Map of Vandiver Place a distance of 1485.3 ft., more or less, to a point on the westerly right of way line of Lower Wetumpka Road; thence northerly along the westerly right of way line of said Lower Wetumpka Road a distance of 1048 feet, more or less, to a point on the south right of way line of the Western Railway of Alabama, thence in a southwesterly direction along the south right of way line of said railroad and southwesterly along a line being an extension of the said south right of way, said line being a distance of 50 feet from the center line of the main line track at all points, measured perpendicular to said center line, to a point on the south line of the north one-half of Section 31, T17N, R18E, Montgomery Co., Alabama, the said point being on the now existing City Limits line of said City of Montgomery, Alabama; thence along the existing City Limits line, said line running east along the south line of the north one-half of Sections 31 and 32, T17N, R18E, Montgomery County, Alabama to a point on the north right of way line of the Seaboard Air Line Railway, thence east along the north right of way line of the Seaboard Air Line Railway to the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 6, 1961
Time: 12:10 P.M.

Act No. 663

S.132—Gaither, Cooper, Andrews, Robison, deGraffenried, Haltom, Jones, Graham, Rutledge, Webb, Shelton, Moses, Word, Crawford, Turner, Givhan, Golson, Hines, Samford, Leonard, Godfrey, Porter and Roberts.

AN ACT

To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) General and special elections in cities and towns of this state, except cities and towns organized under a commission form of government, shall be held and conducted at the times and in the manner herein prescribed; and the expenses of and costs incident to the conduct of all such elections shall be paid out of the treasury of the city or town holding the election.

(b) Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the ninetieth degree of longitude west of Greenwich, otherwise known as standard railroad central time. Whenever the last day on which an act may be done pursuant of this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day.

Section 2. (a) The regular municipal elections in cities and towns shall be held on the second Tuesday in August 1964, and quadrennially thereafter; and when necessary as provided in Section 35 of this Act a second or "run-off" election shall be held on the first Tuesday, after the second Monday in September. Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election unless herein otherwise provided.

(b) Special elections shall be held on any second or fourth Tuesday between the fifteenth day of April and the second day of the following February when ordered by the municipal governing body, provided that notice of such election was published, in the manner prescribed in the following section, on or before

the corresponding Tuesday of the second month preceding the month in which the special election is held.

Section 3. It shall be the duty of the mayor to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in such city or town then by posting notices thereof in three public places in the city or town. When the notice is of a regular election such notice shall be published on or before the third Tuesday in June preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. Whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled at the regular election, prior to the first day of April preceding the election the municipal governing body shall by ordinance designate each of such offices by number. When such offices have been so designated by number, the notice of the election shall clearly indicate that such offices have been so numbered and each candidate for any such offices, in the announcement of his candidacy, shall designate the number of the office for which he is a candidate. The notice of an election for municipal officers shall be substantially in the following form:

"Notice of Election of Municipal Officers.

"Notice is hereby given that on (day of week), (date—month, day and year) an election for the purpose of electing a mayor (or other chief executive) and board of aldermen (town or city council or other municipal governing body, or if the positions on such governing board have been designated by number, the position numbers to be filled at such election) and such other officers as pursuant to duly enacted law or ordinance, or any or all of such officers, are to be elected at such election for the city (or town) of _____, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of _____, Alabama, and have resided therein for three months or more immediately preceding the date of such election, will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 5 of this Act)."

Section 4. The boundaries of wards within municipalities which have been divided into wards as now defined shall so re-

main until changed by ordinance. Hereafter the municipal governing body may, in its discretion, readjust the boundary lines of wards and may divide or consolidate any number of wards and resubdivide the same into voting districts; provided that no such adjustment is made within three months of any election. Whenever the municipal governing body readjusts any ward lines or divides a ward into voting districts the ordinance whereby the ward is established or subdivided into voting districts shall describe the territory composing the ward, and when the ward has been subdivided the territory composing each district therein, by metes and bounds; and the municipal clerk, within five days after adoption of the ordinance, shall file with the judge of probate of the county in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town showing the boundaries of all wards and voting districts in wards into which the municipality is then divided, and shall also publish notice of all such changes or adjustments of boundaries of wards and voting districts within wards, in a newspaper published in such city or town, or if no newspaper is published therein then by posting notice thereof at three public places in such city or town. This published notice need not be accompanied by a map or plat of the city or town.

Section 5. The municipal governing body shall, when it orders an election, designate at least one place of voting in each ward, and if such ward has been divided into voting districts then at least one place of voting in each district. In wards or voting districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters the municipal governing body may divide alphabetically the list of qualified voters in such ward or voting district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or voting district. Nothing herein shall be construed to require the municipal governing body to designate more than one voting place in any ward which has not been subdivided nor more than one voting place in any voting district, nor to provide more than one ballot box for every three hundred qualified electors when paper ballots are used or more than one voting machine for every six hundred qualified electors where voting machines are used.

Section 6. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for any municipal officers, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

There shall be but one form of ballot for all the candidates for municipal office, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates whose nominations for any office on the ballot have been duly made and not withdrawn, as hereinafter provided, together with the title of the office for which they are candidates, arranged in tickets under the titles of the respective political parties or independent bodies as certified in the certificates of nomination.

All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast; and every ballot shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column shall be headed by the chosen device of such party, as shown by the certificate of the secretary of state filed with the probate judge of the county immediately prior to the last preceding general election for state officers, and the party name or other designation. There shall be a column for each separate ticket of candidates and such columns as are required for independent candidates to be voted for at the polling place for which the ballot is provided, and in the appropriate place the words "vote for one" (or "two" or other number as the case may be) to indicate the number which may be elected to each office.

Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

Absentee ballots shall be in the same form as regular ballots except that there need not be attached to them a detachable stub, nor should a square be printed at the bottom of the ballot, and there shall be printed at the top of the ballot the words "Official Absentee Ballot" and at the end thereof the following affidavit:

"State of Alabama

"..... County

"Sworn to and subscribed before me this day of
....., 19..... I certify that the
affiant is known (or made known) to me to be the identical
party he claims to be.

.....(Title of official)"

In case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of the names of independent candidates shall be printed in one or more columns according to the space required, having above each of the tickets the political or other names selected to designate such independent nominations. The ballot herein provided shall be substantially in the following form, viz:

Name of officers to be voted for	(Emblem) Democratic 0	(Emblem) Republican 0	(Emblem) Independent 0
Mayor vote for one	() John Doe	() Richard Roe	() J. W. Smith () Jas. Jones

Place No. 1
Place No. 2

[illegible]

In the event no candidates have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or political faction in the municipality the ballot shall be arranged in substantially the following form, viz:

For Mayor	
Vote for one	
()	John Doe
()	Richard Roe
For City Council Place Number One	
()	
()	
For City Council Place Number Two	
()	
()	
For City Council Place Number Three	
()	
()	
Etc.	

The names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or political faction in the municipality, and certified in writing and filed in the office of the municipal clerk by five o'clock p.m. on the first Tuesday in July preceding the date of the election shall be printed on the ballots. The certificate must contain the name of each person nominated and the office for which he is nominated, and must be signed by the presiding officer and secretary of the caucus, convention, mass meeting or other assembly, or by the chairman and secretary of the canvassing board of the primary election at which such candidates were nominated.

The mayor shall also cause to be printed on the ballots the name of any qualified elector who has, by five o'clock p.m. on the first Tuesday in July preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form:

"State of Alabama, ... County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of in said county, and reside at in said city (or town); that I desire to become a candidate for the office of in said city (or town) for the term of years at the election for such office to be held on the day of, 19.....; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (Signed)
 Subscribed and sworn to before me by said
 on this day of, 19.....
 (Style of officer)."

No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position in a group of offices of the same name when such offices have been designated by number as authorized in Section 3 of this Act.

All certificates of nomination and statements of candidacy filed with the mayor within the time prescribed above shall be preserved for six months after the election for which such nominations or statements of candidacy were filed.

Section 7. The municipal governing body, or a majority of them, must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the municipal governing body shall also appoint, from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election, and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast then such governing body may appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the municipal governing body a list of not less than three names of qualified electors from each voting place, and when special officers are appointed to count the absentee ballots three additional names, and an inspector and a clerk shall be appointed from said lists for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body, or a majority of them, in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 10 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall each be entitled to five dollars, and each election officer at a polling place where elections are conducted in whole or in part by voting machines shall be entitled to eight dollars. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered.

Section 8. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by eight o'clock of the morning of the election; and before nine o'clock open the several polling places as designated, and keep them

open without adjournment or recess until six o'clock in the afternoon, and no longer.

The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock of the morning of the election; and at eight o'clock, a.m., shall open the polls and keep them open without adjournment until six o'clock, p.m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p.m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered and paid all poll taxes due, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer.

Upon receipt of the list showing the names of every person whose name appears on the official list of qualified electors for that particular polling place who have voted absentee ballots in the election, the election officials shall strike from the list of qualified electors kept at that polling place the name of every person who has voted an absentee ballot; and no person who has voted an absentee ballot shall vote again.

Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

Where voting machines are used the election officials shall also comply with the provisions of Section 27 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling

place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no persons shall be permitted within thirty feet of the polling place.

Section 9. On the failure of any person who has been duly appointed an election officer to attend the polls at the hour prescribed for his attendance such of the election officers appointed for that voting box or machine as are present may appoint such election officers as are needed to complete the number of election officials for the box or machine. All persons so appointed shall be qualified electors who are entitled to vote at that polling place. Should all the appointed election officers fail to be present at a polling place by the hour prescribed on election day, then any three qualified electors who are entitled by law to vote at that polling place at the election then to be held may open the polls, act as three of the election officers for such box, and appoint such other officers as are required to fill the place of those absent, provided every person so appointed shall be a qualified elector entitled to vote at the polling place.

Section 10. When voting machines are to be used in any municipal election the municipal governing body shall provide for holding a school or schools of instruction for those who will actually conduct the election. The municipal clerk shall notify those persons who have been appointed election officials of the time and place of the holding of such school of instruction and shall also publish notice thereof at least forty-eight hours before the same is to be held.

No election official shall serve in any election district in which a voting machine is used, unless he has received such instruction, is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the authorized instructor; provided, however, that this requirement shall not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials.

Section 11. During the thirty days next preceding an election at which voting machines will be used, the municipal governing body shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangements of the parties, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be

used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the municipal governing body may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 12. The mayor or other chief executive officer of the municipality shall, at the expense of the municipality, procure and superintend and insure the delivery to the election officers at each polling place within the corporate limits of the municipality of the necessary election supplies; and shall also procure and deliver or cause to be delivered to the municipal clerk, not less than twenty days prior to the holding of any election to which this Act pertains, a sufficient number of the absentee ballots, the envelopes therefor prescribed in Section 37, and other supplies needed for the handling of absentee ballots in such election in the manner prescribed in this Act. In the event the municipal clerk is a candidate in the election, he shall, immediately upon receipt of the absentee ballots and other supplies deliver the same to the person appointed pursuant to Section 36 to act in his stead.

When paper ballots are used such supplies shall consist of: at least one hundred ballots for each fifty registered electors at each voting place; the same number of black seals, two inches square, around the outer edge of which is a mucilaginous surface one-fourth inch wide, so designed that a seal may be placed securely over the square bearing the ballot number in such manner that it will make it impossible to read such number without removing the seal yet such seal may be removed without obliterating the number; ballot boxes, blank poll lists; for each ward or voting district three or more cards of instructions to voters, which shall be printed in large clear type and shall contain full instructions to electors as to what should be done, first, to obtain ballots for voting, second, to prepare the ballot for deposit in the ballot box, third, to obtain a new ballot in place of one accidentally spoiled, and, fourth, to instruct as to the right and manner of obtaining a watcher for each political party having candidates to be voted for; certificates of results; oaths, and any other stationery, blank forms, or supplies necessary in the conduct of the election.

When voting machines are used such supplies shall consist of: ballot labels, diagrams, blanks for keeping a record of assisted voters, seals, blank forms for a statement of canvass of the votes cast on each machine, such forms to conform to the type of voting machine to be used, and the designating number and letter if the construction of the machine is such as to require a designating number and letter of each candidate (or proposi-

tion) shall be printed next to the candidate's name on the statement of canvass, and all other necessary election supplies for use on voting machines.

Section 13. Whenever voting machines are to be used in any municipal election the municipal clerk shall: cause the proper ballot labels to be placed on the voting machines; cause the machines to be placed in proper working order for voting; examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places; see that all the registering counters are set at zero; lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated; and seal each one with a numbered seal, a list of which numbered seals and the number on the protective counters, together with the number of the voting place to which it was sent, shall be kept as a permanent record in such clerk's office, open to any citizen. The inspection and sealing of voting machines shall begin not later than nine o'clock, a.m., of the Monday before any election at which such machines are to be used, and shall continue until all machines are sealed. When all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the municipal clerk and the signature of two watchers of opposed interest (if such there be) shall be placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machines. This envelope shall be delivered to the election inspector who will serve as an election officer at the polling place where such machine is used. It shall be the duty of the municipal clerk to see that a voting machine, or machines, together with an instruction model for each machine, showing a portion of the face of such machine in use at such election, is delivered to each and every polling place where machines are required by law to be used, at least one hour before the time set for opening the polls in such ward. After the machine has been delivered the clerk shall cause such machine to be set up in the proper manner and cause protection to be given so that such machine shall be free from molestation and injury. The protective curtains shall be examined to see that they properly conceal the actions of the voter while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the inspector at the same time the key or keys to the machine are delivered.

Section 14. For all elections at which paper ballots will be used, the chief executive officer of the municipality, at the expense of the municipality, shall provide at each polling place in all municipalities having a population of over three thousand inhabitants, a room or covered enclosure, and in such room or

covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred, or fraction of one hundred over fifty, electors registered in the ward or wards in such municipality for that election, and shall furnish each booth or compartment with a shelf or table for the convenience of the electors in the preparation of their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots. In voting places in cities having a population of three thousand or less no booths shall be required.

Section 15. Each political party having nominated candidates, by the chairman of the municipal executive committee or by the nominees for office or by the beat committeeman, and each independent candidate may name a watcher for every polling place where paper ballots are used and a watcher for every machine where voting machines are used. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

When voting machines are used the watchers shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machines, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 27. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine.

Section 16. (a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within the corporate limits of such city or

town, and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, on or before the second Tuesday in May preceding a primary municipal election, and on or before the first Tuesday in July before a regular municipal election, who shall file and retain each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election by posting copies thereof in at least three public places in the municipality.

(b) The mayor or other chief executive officer of the city or town shall also cause to be made a list of the qualified voters who reside within the corporate limits of such city or town and who are registered to vote absentee ballots. For this purpose he shall have full access to the absentee voter registration records of the county. Upon completion of such list he shall certify thereon that it is a correct list of the voters of the municipality who are eligible to vote absentee ballots in said election, and that the list was prepared pursuant to this section. This list shall be prepared and filed with the municipal clerk on or before the second Tuesday in May preceding a primary municipal election, and on or before the first Tuesday in July before a regular municipal election, and it shall be filed by the clerk as a public record in his office. The clerk shall publish this list on or before the third Tuesday in May before a primary municipal election and on or before the second Tuesday in July before the regular municipal election by posting copies thereof in three public

places in the municipality, and shall append thereto a notice that registered absentee voters must cast their votes by absentee ballot not earlier than twenty days, nor later than five days, prior to the general municipal election at the office of the city clerk.

Section 17. In the event the mayor or other chief executive officer of any city or town is a candidate in any municipal election held under the provisions of this Act, he shall be disqualified to perform the duties set forth in the preceding section, and said duties shall be performed by a disinterested person appointed by the board of aldermen, or other governing body of the city or town.

Section 18. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county one year and in the ward three months prior to the election and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote in such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 21 hereof and identifies himself in the manner therein prescribed.

Section 19. Where paper ballots are used, the inspector designated as challenger, upon the elector's entering the polling place shall examine the list of qualified electors furnished by the clerk pursuant to Section 16 of this Act; and if it appears from this examination that the person is a qualified elector of the state authorized to vote at that box, unless such elector has been challenged by another qualified elector in the manner prescribed by Section 18 hereof, the inspectors shall then give him one ballot, on the stub of which one of the inspectors shall write or shall have already written his name or initials. If such per-

son's name does not appear on the list of qualified voters for that ward or box then the challenger shall challenge said person. Any person so challenged or challenged by a qualified elector, as authorized in Section 18, above, shall not be allowed to vote until he has taken and subscribed to the oath prescribed in Section 21 hereof, and proved his identity in the manner therein prescribed. However, if such person duly executes the oath and establishes his identity in the manner prescribed then his ballot must be received and deposited in the ballot box in the same manner as the ballots of qualified electors.

In cities or towns of more than three thousand inhabitants each elector on receiving his ballot shall forthwith and without leaving the polling place retire alone to one of the booths or compartments provided for that purpose and there prepare his ballot in the manner hereinafter provided. In all other cities or towns the elector may prepare his ballot at any point within the polling place.

Any elector who shall by accident or mistake spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors and receive another in lieu thereof, which must be voted or returned by such elector.

After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initial of the inspector, and hand it to the receiving inspector, who must receive the folded ballot and call the name of the elector audibly and distinctly.

One of the clerks shall immediately enter on one of the lists, headed "names of voters" and called "poll lists," the name of such elector opposite the number indicating the order in which electors vote, the first elector voting being numbered one, the second two, and so on, to the last elector voting; and at the same time the other clerk shall see that the elector whose name was called shall immediately sign his own name on another poll list, on a line bearing the same number appearing opposite such elector's name on the above-mentioned poll list, unless such elector, because of physical handicap or illiteracy, is unable to write his own name on such list. If the voter is physically handicapped an election official shall write the name of such voter on said list together with the cause of assistance, and shall sign his own name on the poll list on the same line with the voter's name. If the voter is unable to sign his name because of illiteracy, his name shall be written for him and the voter shall, in the presence of one of the election officials, make his mark upon the poll list. The election official witnessing the act shall record his name, as witness, on the same line with the name of the voter.

The receiving inspector shall then write the number of the ballot in the square provided therefor, and forthwith, in the presence of the voter, shall place one of the black seals, furnished along with the other election supplies, over the square in such manner as to make it impossible to see the number placed therein without removing the seal, yet so that the seal may be removed without obliterating the number placed in the square. After numbering the ballot the inspector shall detach the stub and pass the ballot to each of the other inspectors, and it must then, without being opened or examined, be deposited in the proper ballot box.

Section 20. When paper ballots are used any elector applying to vote, who shall state under oath to any of the inspectors (which oath may be administered by any one of the inspectors) that by reason of his inability to write the English language, or by reason of blindness or the loss of the use of his hand or hands, he is unable to prepare his ballot, may have the assistance of any person he may select. In such case, said elector must remain within the polling place and the inspector shall send for the person selected. If the person first selected cannot be found, then such elector may select another person to assist him. The person so selected shall render said elector all such assistance in the preparation of his ballot as he may require, so that the ballot may be voted for the candidate of his choice, in the manner herein provided. In cities or towns of more than three thousand inhabitants the elector and the person selected to assist him shall retire to a booth or compartment and there prepare the elector's ballot. In all other cities or towns they shall be permitted to prepare it at any point in the polling place.

No candidate for election shall act as assistant to any elector in the preparation of his ballot.

Section 21. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath wilfully and falsely, he is guilty of perjury and on conviction may be imprisoned in the penitentiary for not less than two years. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he is guilty of perjury, and, on conviction, may be imprisoned in the penitentiary for not less than two years.

The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of
I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. That I have resided in the State of Alabama two years next preceding this day. 3. That I have resided twelve months in this county next preceding this day. 4. That I have actually resided three months in this ward next preceding this day, or within three months next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am twenty-one years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered and have paid all poll taxes due by me at the time prescribed by law, or am exempt by law from the payment of poll taxes. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is, the name of my employer is 12. My residence is (if in a city or town, give street number). 13. During the last twelve months I have resided at 14. During the last three months I have resided at 15. That and have personal knowledge of my residence in the State of Alabama for two years, in this county for twelve months and in this ward for three months next preceding this day. 16. This affidavit has been read to me. So help me God.

..... Signature.

"Subscribed and sworn to before me this day of, 19....."

The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of
I, ..., do solemnly swear (or affirm) that I have known (here insert the name of the person offering to vote) for the last two years next preceding this election, and that he has been a resi-

dent of this state for said time, twelve months in this county, and he has actually resided in this ward for the last three months preceding this election (or in case of change of residence provided for by Section 178 of the Constitution, he has resided in this state for two years next preceding this election, twelve months in this county, and within three months next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for one year next preceding this election; that my occupation is; my residence is; my business address is

..... Signature.

"Subscribed and sworn to before me this day of, 19....."

After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors.

Section 22. Where paper ballots are used no more than ten electors shall be allowed in the polling place at the same time. In all elections for which voting booths or compartments have been provided if all such booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one except as herein provided while in the polling place. After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance and shall not enter the polling place again.

Section 23. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

Electors shall not be entitled to vote for any person whose name does not appear on the ballot. and no elector shall write in the name of any person on the ballot.

If the elector desires to vote a straight ticket, that is, for each and every candidate for one party for whatever office nominated, he shall mark a cross mark (x) in the circle under the name of the party at the head of the ticket.

If the elector does not desire to vote for each and every candidate nominated by his party he may vote blank for any office on his party ticket by making a cross mark (x) in the circle at the top of the ticket and striking out with pen or pencil the name or names of candidates he does not desire to vote for on the ballot.

Any elector who desires to vote a split ticket, that is, for candidates of different parties, may do so: (1) By making a cross mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or (2) when the elector desires to vote for all of a party's nominees, except the candidate or candidates for one office, then if only one candidate is to be elected to any office the elector may make a cross mark (x) in the circle under the name of the party at the head of the ticket, and a cross mark before the name of the candidate for whom he desires to vote on the other ticket and mark through with a pen or pencil the name of the candidate for whom he does not desire to vote on his party ticket; or if two or more candidates are to be elected to the same office the elector may make his cross mark in the circle at the top of his Party's column, make a cross mark (x) before the names of the candidates for whom he desires to vote on the other ticket and mark through with a pen or pencil an equal number of names of candidates on his party ticket for the same office for whom he does not desire to vote.

Section 24. No votes shall be counted until the polls are closed. Immediately after the polls are closed at elections where paper ballots are used the poll list signed by the voters and the poll list made by one of the clerks shall be sealed in separate envelopes and labelled before the inspectors begin to count the votes; and one copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be sealed in a package by the inspectors, and the other copy of each of such affidavits shall be sealed in a package and forwarded to the solicitor of the county, who shall lay them before the next grand jury sitting for the county. As soon as this is done the ballots cast shall be counted in the following manner. The returning officer or one of the inspectors must take the ballots, one by one, from the box in which they were deposited, at the same time reading aloud the name of each person receiving a vote and the office for which he received such vote; and they must separately keep a calculation of the number of votes each person receives and for what office he receives

them. When two or more candidates are to be elected to the same office if the elector has failed to express his choice for as many candidates as there are places to be filled his ballot so far as that particular office is concerned shall not be counted and recorded. If the elector has marked more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice.

Section 25. At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election in the ward or voting place at which they were inspectors, the day and year on which such election was held, and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to vote at such voting place at such election on such day, must be sealed up in an envelope, furnished along with the other election supplies, and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened; and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box within the time hereinafter prescribed.

As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as above directed, the inspectors shall roll up the ballots so counted, seal the bundle thereof, and label the same so as to show for what officer or officers the ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks, and the oaths relative to challenged voters, shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper, or other device, showing the total votes received by each candidate voted for in such election.

The envelope containing the statement of the votes, prepared pursuant to the first paragraph of this section, and the sealed ballot box shall be delivered to the returning officer of

the ward who shall immediately and in any event not later than twenty-four hours after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt, stating therein the condition of the box when received.

Section 26. At the time appointed by the municipal governing body to canvass the returns of the election (which must be not later than noon on Thursday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such governing body, which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared. The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months, and if in that time no contest has been properly instituted the clerk shall then destroy the contents of such boxes without examining the same; and no ballot box shall be opened except in one or the other of the following events: First, in the event of a contest, where the opening of a box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and second for the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned, but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors. If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed then any other of the contents of the box, so far as necessary may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body, and the box shall then be retained, without again opening it for the time prescribed above.

Section 27. Whenever voting machines are used for municipal elections the key or keys to the voting machine or machines, still in the envelopes in which they were placed when the machines were sealed for this election pursuant to Section 13 of this Act and with the seals thereof unbroken, and all other necessary election supplies, shall be delivered to the inspector of each poll at least thirty minutes before the time for opening the polls. The inspector shall compare the number appearing on the envelope containing the key or keys with the number shown in the protective counter and if these numbers are not identical he shall not break the seal on the envelope containing the keys, and he shall immediately so notify the municipal clerk or his

representative, who shall immediately deliver the correct key or keys or another properly sealed machine. If the numbers on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the inspectors shall open the door concealing the counters. Before the polls are declared open the election officials and each authorized watcher, or any interested person, shall carefully examine each and every counter and see that it registers zero, and shall examine the ballots and satisfy themselves that the ballots are in their proper place on the machine. The election officials shall post the sample ballots and the model for the guidance of voters at conspicuous points about the polling place. All persons authorized to be in the polling place shall satisfy themselves that the voting machine is properly placed, and that the face of the machine is turned so that the election officials and the public may obtain a clear and unobstructed view of the same at all times except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if any there be) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and seal correspond with that on the envelope, that all the counters were set at zero, and that the ballot labels were in their proper places. If any counter, however does not register zero, the inspector shall summon the custodian of the machine, who shall set the counter back to zero. The machine shall then be opened for voting, and the polls formally declared open.

Section 28. The municipal clerk shall furnish and deliver with each voting machine: Lighting facilities which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters; a model and two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directions for voting on the machine; a seal, or seals, for sealing the machine after the polls are closed an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; such other election materials and supplies as may be necessary.

The lighting facilities, above mentioned, shall be prepared and in good order for use before the opening of the polls. The diagrams shall be posted prominently outside the voting booth for the instruction of electors. The model shall be placed in the polling place and at or outside the guard rail or barrier.

Section 29. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk.

The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 31(a) of this Act, and all other records required by this Act, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured.

Section 30. The election officials, where voting machines are used, shall ascertain whether each applicant to vote is entitled to vote, and each applicant found to be entitled to vote shall be permitted to vote in the manner hereafter provided. Each applicant to vote shall identify himself to the chief clerk, who shall examine the list of qualified electors, furnished by the municipal clerk, and if such voter's name appears on such list, unless such voter has been challenged, the chief clerk shall mark the applicant's name off the list. The applicant, unless he is unable to write his own name, because of physical handicap or illiteracy, shall then sign his name on the poll list on the line numbered to indicate the order in which the voters cast their ballots, and the clerk shall record the voters name on a second poll list on the line numbered to indicate the order in which the voter cast his ballot; thereafter he shall be admitted within the voting machine booth and permitted to vote. If such applicant is unable to sign his name because of physical disability or illiteracy his name shall be written for him in the manner prescribed in Section 19 for the writing of the names of voters on the poll list at polls where paper ballots are used.

If such applicant's name is not on the list of qualified voters, or if such applicant has been challenged by a qualified elector, the chief clerk shall so notify the inspector and the inspector shall challenge such voter. No challenged voter shall be permit-

ted to cast his vote on a voting machine but any challenged voter shall be permitted to cast a paper ballot in the same manner and under the same circumstances, rules, and regulations that challenged voters may vote at polls where paper ballots are usually and customarily used.

Section 31. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing, upon printed forms supplied for that purpose, and under oath or affirmation, which shall be administered to him by the inspector, that he can not read the names on the voting machine, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon he shall be assisted by one of the election officials, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name: the fact that the voter can not read the names on the voting machine, if that is the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election official furnishing the assistance. If any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, who shall give him such instructions, but no official giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote.

(b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein.

Section 32. When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time. Such certificate shall

also state the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that ward; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter, and the result as shown by the counter numbers. He shall also read and the clerk shall tally the totals of all challenged ballots cast under the provisions of this Act. He shall in the same manner announce the result on each constitutional amendment, bond proposition, or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector who shall read: the name of each candidate with the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter; his counter and the vote registered on such counter; and also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polling place to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, that the voting and counting mechanism will be prevented from operation. Challenged ballots, sealed in the same manner prescribed in Section 25 of this Act

for sealing ballots at polling places where paper ballots are used, the record of assisted voters, the oaths of assisted voters, one copy of each oath relative to challenged voters, the poll list and a copy of the list of qualified electors shall be placed in the voting machine, if such machine is so constructed that this may be done, and if these items cannot be placed in the machine then they shall be sealed in an envelope or package, across the seal of which each election official shall sign his own name, and this envelope or package shall be delivered to the municipal clerk and retained by him unopened for the time prescribed by Section 33 of this Act for the retention of records of elections. The inspector shall deliver to the municipal clerk the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter, and the number on the protective counter. One copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be forwarded to the solicitor of the county in the same manner and for the same purposes prescribed in Section 24 of this Act for such oaths at polling places where paper ballots are used.

Section 33. The voting machines shall remain locked against voting for the time provided by law for the filing of contests and then shall have the seal broken only on the order of the municipal governing body and if, in the opinion of such body, the contest has developed or is likely to develop, shall remain locked until such times as ordered by the court hearing the contest, or until a final determination thereof. Provided that on the order of any court of competent jurisdiction or on the order of the municipal governing body, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same and provided further that in the event another election is held during the time for which the machines are required by this section to be locked and the machines are needed at such election, the municipal governing body shall be authorized to break the seal and make a record of the numbers on all counters on each machine and to remove all of the election records from the machine. The municipal governing body shall securely seal all records taken from a machine in an envelope or package and on the outside thereof label the package in such manner as to indicate plainly the machine from which they were removed and the month, day and the year, of the election of which they are records. Each member of the municipal governing body, present when the machines were opened shall certify to the accuracy of

the records of the numbers on the counters and shall sign the envelope or package across the seal. This certificate and all other records removed from the voting machines shall be delivered to the municipal clerk and preserved by him for the same length of time prescribed in Section 26 of this Act for the retention of paper ballots, and then destroyed in the same manner that paper ballots are destroyed.

Section 34. The governing body of any municipality procuring voting machines shall designate a person or persons who shall have the custody of the voting machines and the keys therefor, when the machines are not in use at an election; and shall provide for his compensation and for the safe storage and care of the machines and keys. All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places, by said custodian. The same authority that caused the delivery of the voting machines shall be charged with transporting such machines back to the custodian, and shall furnish all necessary protection to see that such machines are not molested nor injured from the time such machines leave the place where they are regularly stored until they are turned into the custody of the officials of a voting district and from the time that custody ceases on the part of the voting district officials and the machines are returned to the place of regular storage.

Section 35. Not later than noon on Thursday after the election as hereinabove required the municipal governing body shall proceed to open the envelopes, addressed to such governing body, which have been delivered by the several returning officers to the municipal clerk, canvass the returns, and ascertain and determine the number of votes received by each candidate and for and against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question the municipal governing body shall declare said candidate elected to such office, or said question carried, and a certificate of election shall be given to such persons by the municipal governing body, or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the terms of their predecessors, as provided by law.

If a single office is to be filled at the election and there is more than one candidate therefor, then the majority of the votes cast for said office in such election shall be ascertained by dividing the total votes cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If two or more offices constituting a group are to be filled, and there are more

candidates for election than there are such offices, then the majority of the votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for such offices by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein prescribed as necessary for election. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected to fill such positions.

If no candidate receives a majority of all the votes cast in such election for any one office or offices for the election to which there were more than two candidates, then the municipal governing body shall order a second or "run-off" election to be held on the first Tuesday after the second Monday of September next thereafter, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates and the person receiving the highest number of votes for that office in the run-off election shall be declared elected. In the event one of the candidates for a particular office in the run-off election withdraws, then there need not be a second election to fill such office nor shall the name of either the party so withdrawing or the remaining candidate be printed on the ballot of any second election held under the provisions of this Act. This second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such run-off election then in such event the tie shall be decided by the municipal governing body. A vote for a particular candidate by a majority of the total membership of the governing body shall be necessary to decide the election in his favor. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated, and the judge shall file such certificate in the same manner that he files the declaration of the result of elections to county offices.

Section 36. Absentee ballots may be cast in municipal elections in the manner hereinafter provided. The municipal clerk or other officer performing the duties of the clerk shall, without additional compensation, handle such ballots and perform all the duties in connection therewith prescribed by this Act and shall have all the powers and responsibility incident to the performance of such duties. In the event the municipal clerk or other officer performing the duties of the clerk is a candidate in the election, the governing body of the city or town shall appoint a qualified elector of the city or town to act as "absentee election manager" and to perform the duties hereby

imposed on the clerk in connection with the election in which such clerk is a candidate and any other municipal election held on the same day. If the qualified elector, so appointed, is an official or employee of the municipality he shall receive no special compensation for the performance of such duties; however, if such person is not a municipal official or employee the municipal governing body shall determine the amount of compensation which shall be paid him for the performance of duties in connection with absentee ballots during the twenty days prior to the election and for his services on election day; but such compensation shall not exceed ten dollars (\$10) per day. This compensation shall be the total compensation allowed for the performance of duties relative to absentee ballots in all elections held on the same day, and shall be paid from the municipal treasury as other costs of the election are paid.

The person so appointed as "absentee election manager", when the clerk is disqualified, is authorized and empowered to administer oaths incident to the application for and casting of absentee ballots in the election for which he has been appointed a manager, and shall have all the other powers and shall perform the duties and have the same responsibilities of the clerk under this Act. Such powers and duties shall terminate at the end of the election day.

Section 37. Any qualified elector of the city or town, who is registered as a qualified absentee voter in the office of the Probate Judge of the county in which the municipality is located pursuant to the provisions of Act Number 655 approved November 21, 1959 (Acts of Alabama 1959, page 1585), may vote an absentee ballot in such election in the manner and under the regulations hereinafter prescribed.

Any such qualified elector desiring to cast an absentee ballot may present himself before the municipal clerk, or other officer performing the duties of the clerk, not more than twenty nor less than five days prior to the election at which he desires to vote, and if the name of such applicant is on the official list of qualified absentee electors at such city or town, furnished to the municipal clerk by the mayor or other chief executive officer as required by Section 16 of this Act, and the clerk is satisfied that such applicant is the person he claims to be, the clerk shall tender him two copies of an official absentee ballot, the necessary carbon paper for him to make a duplicate copy of his ballot and two envelopes, one marked "Original for Municipal Election Officials", and the other, "Carbon for Secretary of State".

The voter shall mark his ballot (original and one carbon copy) without departing from the office of the clerk and without assistance, except that any applicant to cast an absentee

vote may have assistance in preparing his ballot under the same rules and regulations as persons who are unable to prepare ballots at regular polling places pursuant to Section 20 of this Act. The voter shall then subscribe to the affidavit printed on the ballot pursuant to Section 6 of this Act, before the municipal clerk, or person acting in the clerk's stead; and the clerk shall affix his signature and return the ballot to the voter. The voter shall fold each copy of the ballot insert the original in the envelope marked "Original for Municipal Election Officials" and the carbon copy in the envelope marked "Carbon Copy for Secretary of State", seal both envelopes, and give both sealed envelopes to the clerk.

Any qualified elector of the municipality who is in the services of the Armed Forces of the United States, whose regular duties require that he be absent from the municipality of his residence on the date any municipal election is to be held, and any qualified elector who is the wife of any such elector in service who resides with him at his duty station, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in writing or by filling out the Federal postcard application form authorized and provided for under the provisions "The Federal Voting Assistance Act of 1955" (Public Law 296, Chapter 656, HR 4048, approved August 9, 1955, 84th Congress, First Session), and mailing such application to the clerk or the person designated to serve instead of the clerk. The affidavit required to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the municipal clerk or to the person acting in his stead and shall be by him marked the day and hour of receipt thereof. When received by the municipal clerk or the person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the municipal clerk in person.

Any qualified elector of the municipality who is a disabled veteran confined in a facility or hospital operated by the Veterans Administration, may, not more than forty-five nor less than five days before the election in which he desires to vote, make written application to the municipal clerk, or to the person designated to serve in his stead, for an absentee ballot. Such application shall have attached thereto a certificate signed by the authority in charge of the hospital or facility, certifying that the applicant is a disabled veteran being confined in such hospital or facility. The voter may make the affidavit on the ballot before any officer authorized to administer oaths or before any officer of the hospital or facility and mail the ballot to

the municipal clerk or other person acting in his stead. Such ballot shall be handled and counted in the same manner as ballots voted before the municipal clerk in person.

At the close of business each day the envelopes for the Secretary of State shall be placed in a larger envelope by the clerk and mailed by registered or certified mail on that day to the Secretary of State, State Capitol, Montgomery, Alabama.

The clerk shall retain the envelopes marked "Original for Municipal Election Officials", securely in his possession until the day of the election. If the election is in a municipality having a population of less than 10,000 inhabitants the absentee ballots shall be delivered by the clerk on election day, not later than the hour set for closing the polls, to the election officers of the wards of the respective voters. If the election is in a municipality having a population of 10,000 inhabitants or more, then the ballots shall be delivered by the clerk to the election officials appointed to serve, count, and make returns of the ballots cast by absentee voters, and as nearly an equal number thereof as possible shall be delivered to each set of such officials when there is more than one set of such officials.

Absentee ballots delivered by the clerk to the election officials shall be counted and disposed of and returns therefor made as regular ballots are counted and disposed of and returns therefor made.

Section 38. The municipal clerk shall each day post on the regular municipal bulletin or notice board an accurate list of the names, residences, and polling places of voters voting absentee ballots on that day. Three days before the holding of any election, he shall post at the city or town hall, on the regular bulletin or notice board, a complete list of the names, residences, and polling places of all voters voting absentee ballots in the election. On election day he shall send a similar list to the Secretary of State who shall keep such list available for public inspection for ninety days and shall retain a copy thereof in his office for public inspection.

Before the polls open at any election held pursuant to this Act the clerk shall deliver to the election officials of each polling place a list showing the name of every person whose name appears on the official list of qualified electors for such polling place who voted an absentee ballot in the election.

Section 39. Any mayor or other chief executive officer of a municipality who fails to give notice of any municipal election as required in this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail

or sentenced to hard labor for the county for not more than six months.

Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered or who has not paid all poll taxes due, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars (\$100).

Any mayor or other chief executive officer of a municipality, or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars (\$100) unless otherwise provided in this Act.

Section 40. Any municipal clerk who sends any ballots to or makes any suggestions in reference to furnishing ballots for absent voters, except upon the application or request of the absent voter, himself, shall be guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any municipal clerk who fails to properly preserve the certificate of results of an election and deliver it to the municipal governing body at the time appointed for canvassing the returns of the election, as required by Section 26 of this Act, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 41. Any election officer appointed such by a municipal governing body who shall fail to attend a municipal election without a lawful excuse shall, on conviction, be fined not more than one hundred dollars (\$100).

Any election officer who drinks any intoxicating liquors while any election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who, without lawful excuse, neglects, fails, or refuses to perform any official duty prescribed by this Act, shall be guilty of a misdemeanor unless otherwise provided, and, on conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who discloses how any elector voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

If any election officer wilfully neglects to perform any duty imposed on him by this Act, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect, or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); but no person shall be deemed an officer within the meaning of this section, until he first shall have taken an oath well and truly to discharge the duties of such office, to the best of his ability, or until he shall have performed some of the duties of such office. The failure or refusal of any person to accept office, or his failure or refusal to discharge and perform the duties of such office at any time after his appointment thereto, and prior to his taking the oath of such office, and before he shall have discharged and performed any of the duties thereof, shall not in either event, be deemed a violation of this section.

Any election officer or any other person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting, or the number of their ballots, or discloses, the number of such voter's ballot, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200).

Section 42. Any inspector of election who shall, without challenging him, permit any person to vote in a municipal election knowing that he is not a qualified elector, shall be fined not less than one hundred dollars (\$100).

Any inspector of election who shall wilfully exclude any vote duly tendered and unchallenged in a municipal election, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as is required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100), and may also be sentenced to hard labor for the county for not more than six months.

Any inspector of a municipal election who wilfully fails or refuses to advise any elector entitled thereto, that he is entitled to an assistant, or who refuses to let such elector select an assistant as required by law, must, on conviction, be fined not

less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Any inspector of a municipal election who does or performs any of the following acts shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary for not less than one nor more than five years:

1. Wilfully deceives any elector in preparing his ballot;
2. Alters or changes the ballot of a voter, or substitutes a ballot for the one offered by any voter;
3. Makes a false copy of the certificate of the results of an election.

Section 43. Any returning officer of the ward who fails to deliver the statement of votes and poll list of a municipal election to the municipal clerk, within the time required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and must also be imprisoned in the county jail for not more than six months.

Section 44. Any marker or helper or assistant, authorized to aid a disabled voter at a municipal election, who wilfully deceives any elector in preparing his ballot, must, on conviction, be imprisoned in the penitentiary not less than one nor more than five years.

Section 45. Any duly appointed watcher at a municipal election who drinks any intoxicating liquors while the election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Section 46. If any officer on whom a duty is imposed by this Act wilfully neglects to perform such duty, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

Section 47. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any qualified elector at any municipal election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election, or having voted at such election votes a second time, whether in the same ward or another, shall be guilty of a felony, and, on conviction in the circuit court or court of like jurisdiction of the county shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years.

Any absentee voter who shall wilfully make or subscribe to an oath falsely, in order to qualify himself to vote at a municipal election shall be guilty of perjury.

Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely is guilty of perjury and, upon conviction, may be imprisoned in the penitentiary for not less than two years.

Any person voting at any municipal election who has not registered and taken an subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months.

Section 48. Any person who shall wilfully fail or refuse to perform or discharge any duty relating to absent voters required of him by this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars (\$100).

Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly in-

fluence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid, for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

Any person who fraudently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and imprisoned in the county jail for not less than thirty days nor more than six months.

Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100); but this shall not apply on the trial of any contested elections.

Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two hundred dollars (\$200).

Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

Any person who falsely makes or fraudently destroys any certificate of nomination for election at a municipal election, or any part thereof, or files any certificate of nomination, knowing the same, or any part thereof, to be false, shall be guilty of a felony, and on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who suppresses any nomination for a municipal office which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Section 49. The election of any person declared elected to any office of a city or town may be contested by any person who was at the time of the election a qualified elector of such city or town for any of the following causes:

1. Malconduct, fraud, or corruption on the part of any election official, any marker, the municipal governing body, or any other person.

2. When the person whose election to office is contested was not eligible thereto at the time of such election.

3. On account of illegal votes.

4. On account of the rejection of legal votes.

5. Offers to bribe, bribery, intimidation, or other misconduct calculated to prevent a fair, free, and full exercise of the elective franchise.

Any contest of such an election must be commenced within five days after the result of the election is declared. Such contest shall be instituted in the manner prescribed by Section 245 of Title 17, Code of Alabama, 1940, and, except as herein otherwise provided, all proceedings relative to contests of elections to municipal offices shall be governed by the provisions of Articles 22 and 23, Chapter 1, Title 17, Code of Alabama, 1940, insofar as they are applicable.

Section 50. No misconduct, fraud, or corruption on the part of the election officers, the marker, the municipal governing body, or other person, nor any offers to bribe, bribery, intimidation or other misconduct which prevented a fair, free, and full exercise of the elective franchise, can annul or set aside any municipal election unless thereby the person declared elected, and whose election is contested, be shown not to have received the requisite number of legal votes for election to the office for which he was a candidate, nor must any election contested under the provisions of this Act be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number of illegal votes given to such person, if taken from him, would reduce the number of votes given to him below the requisite number of votes for election. Nor must any election be annulled or set aside because of the rejection of legal votes unless it appears that such legal votes, if given to the person intended, would increase the number of his legal votes to or above the requisite number of votes for election.

Section 51. If, on the trial of the contest of any municipal election, it shall appear that any person other than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected been received, the requisite number of votes for election, judgment must be given declaring such person duly elected, and such judgment shall have the force and effect of investing the person thereby declared elected with full right and title to have and to hold the office to which he is declared elected. If it appears that no person has, or would have had, if the ballots intended for him and illegally rejected had been received, the

requisite number of votes for election, judgment must be rendered declaring this fact, and such fact must be certified to the municipal governing body and the vacancy in the office, election to which had been contested, shall be filled in the manner prescribed by law for filling the vacancy in such office. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact must be certified to the municipal governing body. The vacancy in such office shall be filled in the manner prescribed by law. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

Section 52. If any municipal election provided for in this Act should not take place on the day appointed, the municipal corporation shall not for that cause be dissolved, but the incumbent officers shall remain in office until their successors shall be elected and qualified. The municipal governing body shall fix some day, as early as convenient, on which day said election shall be held; and the election shall be conducted in all respects as a regular election, and the persons so elected shall hold office until the next general election and until their successors are elected and qualified.

Section 53. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 54. Act No. 465, S. 29, approved July 6, 1945 (General Acts of Alabama, 1945, page 699) is hereby expressly repealed; and any and all other laws or parts of laws in conflict herewith are to the extent of such conflict also hereby repealed. It is specifically declared, however, that the designation in this Act of certain acts and omissions relative to municipal elections as offenses shall not be exclusive and that any act or omission relative to a municipal election which is by law designated as an offense but which is not mentioned in this Act shall continue to be an offense punishable in the manner prescribed by law.

Section 55. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Sept. 6, 1961

Time: 12:12 P.M.

Act No. 664

S. 133—Gaither, Cooper, Andrews, Robison, deGraffenried, Haltom, Jones, Graham, Rutledge, Webb, Shelton, Moses, Word, Crawford, Turner, Givhan, Golson, Hines, Samford, Leonard, Godfrey, Roberts, and Porter.

AN ACT

To provide for and regulate elections in the cities and towns of 300,000 population or less which have a commission form of government; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and acquiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Elections in cities and towns of this state which have a population of 300,000 inhabitants or less according to the latest federal decennial census and which are organized under a commission form of government shall be held and conducted at the times and in the manner herein prescribed; and the expenses of and costs incident to the conduct of all such elections shall be paid out of the treasury of the city or town holding the election.

Section 2. Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the ninetieth degree of longitude west of Greenwich, otherwise known as standard railroad central time. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day. The phrase "municipal governing body" when used in this bill shall mean and refer to the board of commissioners of the city.

Section 3. (a) The regular municipal elections in such cities and towns shall be held on the third Tuesday in August

of each year in which the term of office of a commissioner shall expire; and when necessary as provided in Section 36 of this Act a second or run-off election shall be held on the first Tuesday in September thereafter. Commissioners elected at regular elections shall assume the duties of their offices on the first Monday in October following their election unless herein otherwise provided.

(b) Special elections shall be held on any second or fourth Tuesday between the fifteenth day of April and the second day of the following February when ordered by the municipal governing body, provided that notice of any such election was published, in the manner prescribed in the following section, on or before the corresponding Tuesday of the second month preceding the month in which the election is held.

Section 4. (a) It shall be the duty of the mayor or other chief executive officer of the city or town to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in the city or town then by posting notices thereof in three public places within the municipality. When the notice is of a regular election such notice shall be published on or before the third Tuesday in May preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. Whenever and wherever two or more commissioners are to be elected the notice of the election shall clearly indicate which positions are to be filled, and each candidate in the announcement of his candidacy, shall designate the number of the position for which he is a candidate.

(b) The notice of an election for commissioners shall be substantially in the following form:

"Notice of Election of Commissioner (or Commissioners) of the City (or Town) of Alabama.

"Notice is hereby given that on Tuesday, ... (date—month, day and year) an election for the purpose of electing a commissioner for position number (one, two or three) or commissioners for positions number (one, two or three, as the case may be) on the Board of Commis-

sioners of the city (or town) of _____, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of _____, Alabama, and have resided therein for three months or more immediately preceding the day of such election will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 6 of this Act)."

Section 5. The boundaries of wards within municipalities which have been divided into wards as now defined shall so remain until changed by ordinance. Hereafter the municipal governing body may, in its discretion, readjust the boundary lines of wards and may divide or consolidate any number of wards and resubdivide the same into voting districts; provided that no such adjustment is made within three months of an election. Whenever the municipal governing body readjusts any ward lines or divides a ward into voting districts the ordinance whereby the ward is established or subdivided into voting districts shall describe the territory composing the ward, and when the ward has been subdivided the territory composing each district therein, by metes and bounds; and the municipal clerk, within five days after adoption of the ordinance, shall file with the judge of probate of the county in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town showing the boundaries of all wards and voting districts in wards into which the municipality is then divided, and shall also publish notice of all such changes or adjustments of boundaries of wards and voting districts within wards, in a newspaper published in such city or town, or if no newspaper is published therein then by posting notice thereof at three public places in such city or town. This published notice need not be accompanied by a map or plat of the city or town.

Section 6. The board of commissioners shall, when it orders an election, designate at least one place of voting in each ward and if such ward has been divided into voting districts then at least one place of voting in each district. In those wards or districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters, the board of commissioners may divide alphabetically the list of qualified voters in such ward or district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or district. Nothing herein contained shall be construed to require the board of commis-

sioners to designate more than one voting place in any ward which has not been divided into districts nor more than one voting place in any district, nor to provide a ballot box for every three hundred qualified electors when paper ballots are used or a voting machine for every six hundred qualified electors where voting machines are used.

Section 7. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for commissioners, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

There shall be but one form of ballot for all the candidates for the board of commissioners, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates whose nominations for any position to be filled at such election have been duly made and not withdrawn, as hereinafter provided, together with the number of the position for which they are candidates, arranged in tickets under the titles of the respective political parties or independent bodies as certified in the certificates of nomination.

All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast; and every ballot shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column shall be headed by the chosen device of such party, as shown by the certificate of the Secretary of State filed with the probate judge of the county immediately prior to the last preceding general election for state officers, and the party name or other designation. There shall be a column for each separate ticket of candidates and such columns as are required for independent candidates to be voted for at the polling place for which the ballot is provided, and in the appropriate place the words "vote for one."

Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have

attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

Absentee ballots shall be in the same form as regular ballots except that there need not be attached to them a detachable stub, nor should a square be printed at the bottom of the ballot, and there shall be printed at the top of the ballot the words "Official Absentee Ballot" and at the end thereof the following affidavit:

"State of Alabama

"..... County

"Before me, the undersigned authority, personally appeared who is known (made known) to me and who, being first duly sworn, deposes and says: I am a bona fide resident and qualified elector of ward and district #..... in the city (or town) of, State of Alabama. I have not voted in the election to be held on, 19....., and I am entitled to vote therein. My regular business or occupation regularly requires my absence from the city (or town) of my residence, and I will be absent from the city (or town) on the day of the election because of my regular business or occupation and in the performance of the duties thereof.

..... (Signature of voter)

"Sworn to and subscribed before me this day of, 19..... I certify that the affiant is known (or made known) to me to be the identical party he claims to be.

..... (Signature of official)

..... (Title of official)"

In case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of the names of independent candidates shall be printed in one or more columns according to the space required, having above each of the tickets the political or other names selected to designate such independent nominations. The ballot herein provided shall be substantially in the following form, viz:

Names of officers to be voted for	(Emblem) Democratic 0	(Emblem) Republican 0	(Emblem) Independent 0
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Commissioners:

[illegible]

Place No. 2

Place No. 3

In the event no candidates have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or political faction in the municipality the ballot shall be arranged in substantially the following form, viz:

For Commissioner No. 1
(Vote for one)

() John Doe
() Richard Roe
() James Jones
() etc.

For Commissioner No. 2
(Vote for one)

() Sam Johnson
() William Barnes
() etc.

For Commissioner No. 3
(Vote for one)

() J. W. Smith
() Carl Williams
() etc.

The names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or political faction in the municipality, and certified in writing and filed with the chief executive officer of the municipality by five o'clock, p.m. on the third Tuesday in June preceding the date of the

election shall be printed on the ballots. The certificate must contain the name of each person nominated and the office for which he is nominated, and must be signed by the presiding officer and secretary of the caucus, convention, mass meeting or other assembly, or by the chairman and secretary of the canvassing board of the primary election at which such candidates were nominated.

The mayor or other chief executive officer of the municipality shall also cause to be printed on the ballots the name of any qualified elector who has, by five o'clock, p.m., on the third Tuesday in June preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form: "State of Alabama, ... County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of in said county, and reside at in said city (or town); that I desire to become a candidate for Place No. on the Board of Commissioners of said city (or town) for the term of years at the election for such office to be held on the day of, 19.....; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (signed) Subscribed and sworn to before me by said on this day of 19..... (Style of officer)."

No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position on the board of commissioners.

All certificates of nomination and statements of candidacy filed with the mayor or other chief executive officer of the city or town within the time prescribed above shall be preserved for six months after the election for which such nominations or statements of candidacy were filed.

Section 8. The board of commissioners must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning

officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the board of commissioners shall also appoint, from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the board of commissioners may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election; and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast the board of commissioners may appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the board of commissioners a list of not less than three names of qualified electors from each voting place and an inspector and a clerk shall be appointed from said lists for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 11 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publish-

ing such a list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall each be entitled to five dollars, and each election officer at a polling place where elections are conducted in whole or in part by voting machines shall be entitled to eight dollars. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered.

Section 9. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by eight o'clock of the morning of the election; and before nine o'clock open the several polling places as designated, and keep them open without adjournment or recess until six o'clock in the afternoon, and no longer.

The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock of the morning of the election; and at eight o'clock, a.m., shall open the polls and keep them open without adjournment until six o'clock, p.m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p.m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered and paid all poll taxes due, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer.

Upon receipt of the list showing the names and addresses of every person whose name appears on the official list of

qualified electors for that particular polling place who have voted absentee ballots in the election, the election officials shall strike from the list of qualified electors kept at that polling place the name of every person who has voted an absentee ballot; and no person who has voted an absentee ballot shall vote again.

Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

Where voting machines are used the election officials shall also comply with the provisions of Section 28 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place.

Section 10. On the failure of any person who has been duly appointed an election officer to attend the polls at the hour prescribed for his attendance such of the election officers appointed for that voting box or machine as are present may appoint such election officers as are needed to complete the number of election officials for the box or machine. All persons so appointed shall be qualified electors who are entitled to vote at that polling place. Should all the appointed election officers fail to be present at a polling place by the hour prescribed on election day, then any three qualified electors who are entitled by law to vote at that polling place at the election then to be held may open the polls, act as three of the election officers for such box, and appoint such other officers as are required to fill the place of those absent, provided every person so appointed shall be a qualified elector entitled to vote at the polling place.

Section 11. When voting machines are to be used in any municipal election the board of commissioners shall provide for holding a school or schools of instruction for those who

will actually conduct the election. The municipal clerk shall notify those persons who have been appointed election officials of the time and place of the holding of such school of instruction and shall also publish notice thereof at least forty-eight hours before the same is to be held.

No election official shall serve in any election district in which a voting machine is used, unless he has received such instruction, is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the authorized instructor; provided, however, that this requirement shall not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials.

Section 12. During the thirty days next preceding an election at which voting machines will be used, the board of commissioners shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangement of the parties, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the board of commissioners may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 13. The mayor or other chief executive officer of the municipality shall, at the expense of the municipality, procure and superintend and insure the delivery to the election officers at each polling place within the corporate limits of the municipality of the necessary election supplies; and shall also procure and deliver or cause to be delivered to the municipal clerk, not less than twenty days prior to the holding of any election to which this Act pertains, a sufficient number of the absentee ballots, the envelopes therefor prescribed in Section 38, and other supplies needed for the handling of absentee ballots in such election in the manner prescribed in this Act.

When paper ballots are used such supplies shall consist of: at least one hundred ballots for each fifty registered electors at each voting place; the same number of black seals, two inches square, around the outer edge of which is a mucilaginous surface one-fourth inch wide, so designed that a seal may be placed securely over the square bearing the ballot number in such manner that it will make it impossible to read such number without removing the seal yet such seal may be removed without obliterating the number; ballot boxes; blank poll lists; for each ward or voting district three or more cards of instructions to voters, which shall be printed in large clear type and shall contain full instructions to electors as to what should be done, first, to obtain ballots for voting, second, to prepare the ballot for deposit in the ballot box, third, to obtain a new ballot in place of one accidentally spoiled, and, fourth, to instruct as to the right and manner of obtaining a watcher for each political party having candidates to be voted for; certificates of results; oaths, and any other stationery, blank forms, or supplies necessary in the conduct of the election.

When voting machines are used such supplies shall consist of: ballot labels, diagrams, blanks for keeping a record of assisted voters, seals, blank forms for a statement of canvass of the votes cast on each machine, such forms to conform to the type of voting machine to be used, and the designating number and letter if the construction of the machine is such as to require a designating number and letter of each candidate (or proposition) shall be printed next to the candidate's name on the statement of canvass, and all other necessary election supplies for use on voting machines.

Section 14. Whenever voting machines are to be used in any municipal election the municipal clerk shall: cause the proper ballot labels to be placed on the voting machines; cause the machines to be placed in proper working order for voting; examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places; see that all the registering counters are set at zero; lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated; and seal each one with a numbered seal, a list of which numbered seals and the number on the protective counters, together with the number of the voting place to which it was sent, shall be kept as a permanent record in such clerk's office, open to any citizen. The inspection and sealing of voting machines shall begin not later than nine o'clock, a.m., of the Monday before any election at which such machines are to be used, and shall continue until all machines are sealed. When

all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the municipal clerk and the signature of two watchers of opposed interest (if such there be) shall be placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machines. This envelope shall be delivered to the election inspector who will serve as an election officer at the polling place where such machine is used. It shall be the duty of the municipal clerk to see that a voting machine, or machines, together with an instruction model for each machine, showing a portion of the face of such machine in use at such election, is delivered to each and every polling place where machines are required by law to be used, at least one hour before the time set for opening the polls in such ward. After the machine has been delivered the clerk shall cause such machine to be set up in the proper manner and cause protection to be given so that such machine shall be free from molestation and injury. The protective curtains shall be examined to see that they properly conceal the actions of the voter while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the inspector at the same time the key or keys to the machine are delivered.

Section 15. For all elections at which paper ballots will be used, the chief executive officer of the municipality, at the expense of the municipality, shall provide at each polling place in all municipalities having a population of over three thousand inhabitants, a room or covered enclosure, and in such room or covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred, or fraction of one hundred over fifty, electors registered in the ward or wards in such municipality for that election, and shall furnish each booth or compartment with a shelf or table for the convenience of the electors in the preparation of their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots. In voting places in cities having a population of three thousand or less no booths shall be required.

Section 16. Each political party having nominated candidates, by the chairman of the municipal executive committee or by the nominees for office or by the beat committeeman, and each independent candidate may name a watcher for every polling place where paper ballots are used and a watcher for

every machine where voting machines are used. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

When voting machines are used the watchers shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machine, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 28. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine.

Section 17. (a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within the corporate limits of such city or town, and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of

the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, on or before the second Tuesday in May preceding a regular municipal election, who shall file and retain each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election, either by publication in a newspaper of general circulation in the municipality or by posting copies thereof in at least three public places in the municipality, as directed by the municipal governing body.

(b) The mayor or other chief executive officer of the city or town shall also cause to be made a list of the qualified voters who reside within the corporate limits of such city or town and who are registered to vote absentee ballots. For this purpose he shall have full access to the absentee voter registration records of the county. Upon completion of such list he shall certify thereon that it is a correct list of the voters of the municipality who are eligible to vote absentee ballots in said election, and that the list was prepared pursuant to this section. This list shall be prepared and filed with the municipal clerk on or before the second Tuesday in May preceding a regular municipal election, and it shall be filed by the clerk as a public record in his office. The clerk shall publish this list on or before the third Tuesday in May by posting copies thereof in three public places in the municipality, and shall append thereto a notice that registered absentee voters must cast their votes by absentee ballot not earlier than twenty days, nor later than five days, prior to the general municipal election at the office of the city clerk.

Section 18. In the event the mayor or other chief executive officer of any city or town is a candidate in any municipal election held under the provisions of this Act, he shall be disqualified to perform the duties set forth in the preceding section, and said duties shall be performed by a disinterested person appointed by the board of Commissioners, or other governing body of the city or town.

Section 19. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting

machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county one year and in the ward three months prior to the election and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote at such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 22 hereof and identifies himself in the manner therein prescribed.

Section 20. Where paper ballots are used, the inspector designated as challenger, upon the elector's entering the polling place shall examine the list of qualified electors furnished by the municipal clerk pursuant to Section 17a of this Act; and if it appears from this examination that the person is a qualified elector of the state authorized to vote at that box, unless such elector has been challenged by another qualified elector in the manner prescribed by Section 19 hereof, the inspectors shall then give him one ballot, on the stub of which one of the inspectors shall write or shall have already written his name or initials. If such person's name does not appear on the list of qualified voters for that ward or box then the challenger shall challenge said person. Any person so challenged or challenged by a qualified elector, as authorized in Section 19, above, shall not be allowed to vote until he has taken and subscribed to the oath prescribed in Section 22 hereof, and proved his identity in the manner therein prescribed. However, if such person duly executes the oath and establishes his identity in the manner prescribed then his ballot must be received and deposited in the ballot box in the same manner as the ballots of qualified electors.

In cities or towns of more than three thousand inhabitants each elector on receiving his ballot shall forthwith and without leaving the polling place retire alone to one of the booths or compartments provided for that purpose and there prepare his ballot in the manner hereinafter provided. In all other cities or towns the elector may prepare his ballot at any point within the polling place.

Any elector who shall by accident or mistake spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors and receive another in lieu thereof, which must be voted or returned by such elector.

After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initial of the inspector, and hand it to the receiving inspector, who must receive the folded ballot and call the name of the elector audibly and distinctly.

One of the clerks shall immediately enter on one of the lists, headed "names of voters" and called "poll lists," the name of such elector opposite the number indicating the order in which electors vote, the first elector voting being numbered one, the second two, and so on, to the last elector voting; and at the same time the other clerk shall see that the elector, whose name was called shall immediately sign his own name on another poll list, on a line bearing the same number appearing opposite such elector's name on the above-mentioned poll list, unless such elector, because of physical handicap or illiteracy, is unable to write his own name on such list. If the voter is physically handicapped an election official shall write the name of such voter on said list together with the cause of assistance, and shall sign his own name on the poll list on the same line with the voter's name. If the voter is unable to sign his name because of illiteracy, his name shall be written for him and the voter shall, in the presence of one of the election officials, make his mark upon the poll list. The election official witnessing the act shall record his name, as witness, on the same line with the name of the voter.

The receiving inspector shall then write the number of the ballot in the square provided therefor, and forthwith, in the presence of the voter, shall place one of the black seals, furnished along with the other election supplies, over the square in such manner as to make it impossible to see the number placed therein without removing the seal, yet so that the seal may be removed without obliterating the number placed in the square. After numbering the ballot the inspector shall detach

the stub and pass the ballot to each of the other inspectors, and it must then, without being opened or examined, be deposited in the proper ballot box.

Section 21. When paper ballots are used any elector applying to vote, who shall state under oath to any of the inspectors (which oath may be administered by any one of the inspectors) that by reason of his inability to write the English language, or by reason of blindness or the loss of the use of his hand or hands, he is unable to prepare his ballot, may have the assistance of any person he may select. In such case, said elector must remain within the polling place and the inspector shall send for the person selected. If the person first selected can not be found, then such elector may select another person to assist him. The person so selected shall render said elector all such assistance in the preparation of his ballot as he may require, so that the ballot may be voted for the candidate of his choice, in the manner herein provided. In cities or towns of more than three thousand inhabitants the elector and the person selected to assist him shall retire to a booth or compartment and there prepare the elector's ballot. In all other cities or towns they shall be permitted to prepare it at any point in the polling place.

No candidate for election shall act as assistant to any elector in the preparation of his ballot.

Section 22. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath wilfully and falsely, he is guilty of perjury and on conviction may be imprisoned in the penitentiary for not less than two years. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he is guilty of perjury, and, on conviction, may be imprisoned in the penitentiary for not less than two years.

The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of

the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. 2. That I have resided in the State of Alabama two years next preceding this day. 3. That I have resided twelve months in this county next preceding this day. 4. That I have actually resided three months in this ward next preceding this day, or within three months next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am twenty-one years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered and have paid all poll taxes due by me at the time prescribed by law, or am exempt by law from the payment of poll taxes. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is, the name of my employer is 12. My residence is (if in a city or town, give street number). 13. During the last twelve months I have resided at 14. During the last three months I have resided at 15. That and have personal knowledge of my residence in the State of Alabama for two years, in this county for twelve months and in this ward for three months next preceding this day. 16 This affidavit has been read to me. So help me God.

..... Signature.

"Subscribed and sworn to before me this day of, 19....."

The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of I, ..., do solemnly swear (or affirm) that I have known (here insert the name of the person offering to vote) for the last two years

next preceding this election, and that he has been a resident of this state for said time, twelve months in this county, and he has actually resided in this ward for the last three months preceding this election (or in the case of change of residence provided for by Section 178 of the Constitution, he has resided in this state for two years next preceding this election, twelve months in this county, and within three months next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for one year next preceding this election; that my occupation is; my residence is; my business address is

..... Signature.

"Subscribed and sworn to before me this day of, 19....."

After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors.

Section 23. Where paper ballots are used no more than ten electors shall be allowed in the polling place at the same time. In all elections for which voting booths or compartments have been provided if all such booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor allowed to speak or converse with any one except as herein provided while in the polling place. After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance and shall not enter the polling place again.

Section 24. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

Electors shall not be entitled to vote for any person whose name does not appear on the ballot, and no elector shall write in the name of any person on a ballot.

If the elector desires to vote a straight ticket, that is, for each and every candidate for one party for whatever office nominated, he shall mark a cross mark (X) in the circle under the name of the party at the head of the ticket.

If the elector does not desire to vote for each and every candidate nominated by his party he may vote blank for any office on his party ticket by making a cross mark (X) in the circle at the top of the ticket and striking out with pen or pencil the name or names of candidates he does not desire to vote for on the ballot.

Any elector who desires to vote a split ticket, that is, for candidates of different parties, may do so: (1) By making a cross mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or (2) when the elector desires to vote for all of a party's nominees, except the candidate for one office, then the elector may make a cross mark (X) in the circle under the name of the party at the head of the ticket, and a cross mark before the name of the candidate for whom he desires to vote on the other ticket and mark through with a pen or pencil the name of the candidate for whom he does not desire to vote on his party ticket.

Section 25. No votes shall be counted until the polls are closed. Immediately after the polls are closed at elections where paper ballots are used the poll list signed by the voters and the poll list made by one of the clerks shall be sealed in separate envelopes and labelled before the inspectors begin to count the votes; and one copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be sealed in a package by the inspectors, and the other copy of each of such affidavits shall be sealed in a package and forwarded to the solicitor of the county, who shall lay them before the next grand jury sitting for the county. As soon as this is done the ballots cast shall be counted in the following manner. The returning officer or one of the inspectors must take the ballots, one by one, from the box in which they were deposited, at the same time reading aloud the name of each person receiving a vote and the office for which he received such vote; and they must separately keep a calculation of the number of votes each person receives and for what office he receives them. If the elector has marked more

names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice.

Section 26. At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election ward at which they were inspectors, the day and year on which such election was held, and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to vote in such ward at such election on such day, must be sealed up in an envelope, furnished along with the other election supplies, and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened; and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box.

As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as above directed, the inspectors shall roll up the ballots so counted, seal the bundle thereof, and label the same so as to show for what officer or officers the ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks, and the oaths relative to challenged voters, shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper, or other device, showing the total votes received by each candidate voted for in such election.

The envelope containing the statement of the votes, prepared pursuant to the first paragraph of this section, and the sealed ballot box shall be delivered to the returning officer of

the ward who shall immediately and in any event not later than twenty-four hours after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt, stating therein the condition of the box when received.

Section 27. At the time appointed by the board of commissioners to canvass the returns of the election (which must not be later than noon on Thursday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such board which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared. The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months and if in that time no contest has been properly instituted the clerk shall then destroy the contents of such boxes without examining the same; and no ballot box shall be opened except in one or the other of the following events: First, in the event of a contest, where the opening of a box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and second for the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned, but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors. If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed then any other of the contents of the box, so far as necessary may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body, and the box shall then be retained, without again opening it for the time prescribed above.

Section 28. Whenever voting machines are used for municipal elections the key or keys to the voting machine or machines, still in the envelopes in which they were placed when the machines were sealed for this election pursuant to Section 14 of this Act and with the seals thereof unbroken, and all other necessary election supplies, shall be delivered to the inspector of each poll at least thirty minutes before the time for opening the polls. The inspector shall compare the number appearing on the envelope containing the key or keys with the number shown in the protective counter and if these numbers

are not identical he shall not break the seal on the envelope containing the keys, and he shall immediately so notify the municipal clerk or his representative, who shall immediately deliver the correct key or keys or another properly sealed machine. If the numbers on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the inspectors shall open the doors concealing the counters. Before the polls are declared open the election officials and each authorized watcher, or any interested person, shall carefully examine each and every counter and see that it registers zero, and shall examine the ballots and satisfy themselves that the ballots are in their proper place on the machine. The election officials shall post the sample ballots and the model for the guidance of voters at conspicuous points about the polling place. All persons authorized to be in the polling place shall satisfy themselves that the voting machine is properly placed, and that the face of the machine is turned so that the election officials and the public may obtain a clear and unobstructed view of the same at all times except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if any there be) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and seal correspond with that on the envelope, that all the counters were set at zero, and that the ballot labels were in their proper places. If any counter, however, does not register zero, the inspector shall summon the custodian of the machine, who shall set the counter back to zero. The machine shall then be opened for voting, and the polls formally declared open.

Section 29. The municipal clerk shall furnish and deliver with each voting machine: Lighting facilities which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters; a model and two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directions for voting on the machine; a seal, or seals, for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; such other election materials and supplies as may be necessary.

The lighting facilities, above mentioned, shall be prepared and in good order for use before the opening of the polls. The diagrams shall be posted prominently outside the voting booth

for the instruction of electors. The model shall be placed in the polling place and at or outside the guard rail or barrier.

Section 30. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk.

The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 32(a) of this Act, and all other records required by law, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured.

Section 31. The election officials, where voting machines are used, shall ascertain whether each applicant to vote is entitled to vote, and each applicant found to be entitled to vote shall be permitted to vote in the manner hereafter provided. Each applicant to vote shall identify himself to the chief clerk, who shall examine the list of qualified electors, furnished by the municipal clerk, and if such voter's name appears on such list, unless such voter has been challenged, the chief clerk shall mark the applicant's name off the list. The applicant, unless he is unable to write his own name, because of physical handicap or illiteracy, shall then sign his name on the poll list on the line numbered to indicate the order in which the voters cast their ballots, and thereafter he shall be admitted within the voting machine booth and permitted to vote. If such applicant is unable to sign his name because of physical disa-

bility or illiteracy his name shall be written for him in the manner prescribed in Section 21 for the writing of the names of voters on the poll list at polls where paper ballots are used.

If such applicant's name is not on the list of qualified voters, or if such applicant has been challenged by a qualified elector, the chief clerk shall so notify the inspector and the inspector shall challenge such voter. No challenged voter shall be permitted to cast his vote on a voting machine but any challenged voter shall be permitted to cast a paper ballot in the same manner and under the same circumstances, rules, and regulations that challenged voters may vote at polls where paper ballots are usually and customarily used.

Section 32. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he can not read the names on the voting machine, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon he shall be assisted by one of the election officials, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name; the fact that the voter can not read the names on the voting machine, if that is the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election official furnishing the assistance. If any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, who shall give him such instructions, but no official giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote. (b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do

anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein.

Section 33. When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time. Such certificate shall also state the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that ward; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter, and the result as shown by the counter numbers. He shall also read and the clerk shall tally the totals of all challenged ballots cast under the provisions of this Act. He shall in the same manner announce the result on each constitutional amendment, bond proposition, or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector who shall read:

the name of each candidate with the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter; his counter and the vote registered on such counter; and also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polling place to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, that the voting and counting mechanism will be prevented from operation. Challenged ballots, sealed in the same manner prescribed in Section 26 of this Act for sealing ballots at polling places where paper ballots are used, the record of assisted voters, the oaths of assisted voters, one copy of each oath relative to challenged voters, the poll list and a copy of the list of qualified electors shall be placed in the voting machine, if such machine is so constructed that this may be done, and if these items cannot be placed in the machine then they shall be sealed in an envelope or package, across the seal of which each election official shall sign his own name, and this envelope or package shall be delivered to the municipal clerk and retained by him unopened for the time prescribed by Section 34 of this Act for the retention of records of elections. The inspector shall deliver to the municipal clerk the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter, and the number on the protective counter. One copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be forwarded to the solicitor of the county in the same manner and for the same purposes prescribed in Section 25 of this Act for such oaths at polling places where paper ballots are used.

Section 34. The voting machines shall remain locked against voting for the time provided by law for the filing of contests and then shall have the seal broken only on the order of the board of commissioners and if, in the opinion of such body, the contest has developed or is likely to develop, shall remain locked until such time as ordered opened by the court hearing the contest, or until a final determination thereof. Provided that on the order of any court of competent jurisdic-

tion or on the order of the board of commissioners, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same and provided further that in the event another election is held during the time for which the machines are required by this section to be locked and the machines are needed at such election, the municipal governing body shall be authorized to break the seal and make a record of the numbers on all counters on each machine and to remove all of the election records from the machine. The board of commissioners shall securely seal all records taken from a machine in an envelope or package and on the outside thereof label the package in such manner as to indicate plainly the machine from which they were removed and the month, day and year, of the election of which they are records. Each commissioner present when the machines were opened shall certify to the accuracy of the record of the numbers on the counters and shall sign the envelope or package across the seal. This certificate and all other records removed from the voting machines shall be delivered to the municipal clerk and preserved by him for the same length of time prescribed in Section 27 of this Act for the retention of paper ballots, and then destroyed in the same manner that paper ballots are destroyed.

Section 35. The board of commissioners of any municipality procuring voting machines shall designate a person or persons who shall have the custody of the voting machines and the keys therefor, when the machines are not in use at an election; and shall provide for his compensation and for the safe storage and care of the machines and keys. All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places, by said custodian. The same authority that caused the delivery of the voting machines shall be charged with transporting such machines back to the custodian, and shall furnish all necessary protection to see that such machines are not molested nor injured from the time such machines leave the place where they are regularly stored until they are turned into the custody of the officials of a voting district and from the time that custody ceases on the part of the voting district officials and the machines are returned to the place of regular storage.

Section 36. Not later than noon on Thursday after the election as hereinabove required the board of commissioners shall proceed to open the envelopes, addressed to such governing body, which have been delivered by the several returning

officers to the municipal clerk, canvass the returns, and ascertain and determine the number of votes received by each candidate and for and against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question the board of commissioners shall declare said candidate elected to such office, or said question carried, and a certificate of election shall be given to such persons by the board of commissioners, or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the terms of their predecessors, as provided by law.

If no candidate receives a majority of all the votes cast in such election for an office for election to which there were more than two candidates, then the board of commissioners shall order a second or "run-off" election to be held not later than the first Tuesday of September next thereafter, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates and the person receiving the highest number of votes for that office in the run-off election shall be declared elected. In the event one of the candidates for a particular office in the run-off election withdraws, then there need not be a second election to fill such office nor shall the name of the party so withdrawing be printed on the ballot of any second election held under the provisions of this Act. This second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such run-off election then in such event the tie shall be decided by the board of commissioners. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated, and the judge shall file such certificate in the same manner that he files the declaration of the result of elections to county offices.

Section 37. Absentee ballots may be cast in municipal elections in the same manner hereinafter provided. The municipal clerk or other officer performing the duties of the clerk shall, without additional compensation, handle such ballots and perform all the duties in connection therewith prescribed by this Act and shall have all the powers and responsibility incident to the performance of such duties. In the event the municipal clerk or other officer performing the duties of the clerk is a candidate in the election, the governing body of the city or town shall appoint a qualified elector of the city to act as "absentee election manager" and to perform the

duties hereby imposed on the clerk in connection with the election in which such clerk is a candidate and any other municipal election held on the same day. If the qualified elector, so appointed, is an official or employee of the municipality he shall receive no special compensation for the performance of such duties; however, if such person is not a municipal official or employee the municipal governing body shall determine the amount of compensation which shall be paid him for the performance of duties in connection with absentee ballots during the twenty days prior to the election and for his services on election day; but such compensation shall not exceed ten dollars (\$10) per day. This compensation shall be the total compensation allowed for the performance of duties relative to absentee ballots in all elections held on the same day, and shall be paid from the municipal treasury as other costs of the election are paid.

The person so appointed as "absentee election manager", when the clerk is disqualified, is authorized and empowered to administer oaths incident to the application for and casting of absentee ballots in the election for which he has been appointed a manager, and shall have all the other powers and shall perform the duties and have the same responsibilities of the clerk under this Act. Such powers and duties shall terminate at the end of election day.

Section 38. Any qualified elector of the city or town, who is registered as a qualified absentee voter in the office of the Probate Judge of the county in which the municipality is located pursuant to the provisions of Act Number 655 approved November 21, 1959 (Acts of Alabama 1959, page 1585), who will be absent from the said city or town on the date of any municipal election for such city or town, by reason of his regular business or occupation and in the performance of the duties thereof, may vote an absentee ballot in such election in the manner and under the regulations hereinafter prescribed.

Any such qualified elector desiring to cast an absentee ballot may present himself before the municipal clerk, or other officer performing the duties of the clerk, not more than twenty nor less than five days prior to the election at which he desires to vote, and if the name of such applicant is on the official list of qualified absentee electors at such city or town, furnished to the municipal clerk by the mayor or other chief executive officer as required by Section 17b of this Act, and the clerk is satisfied that such applicant is the person he claims to be, the clerk shall tender him two copies of an official ab-

sentee ballot, the necessary carbon paper for him to make a duplicate copy of his ballot and two envelopes, one marked "Original for Municipal Election Officials", and the other, "Carbon for Secretary of State".

The voter shall mark his ballot (original and one carbon copy) without departing from the office of the clerk and without assistance, except that any applicant to cast an absentee vote may have assistance in preparing his ballot under the same rules and regulations as persons who are unable to prepare ballots at regular polling places pursuant to Section 21 of this Act. The voter shall then subscribe to the affidavit printed on the ballot pursuant to Section 7 of this Act, before the municipal clerk, or person acting in the clerk's stead; and the clerk shall affix his signature and return the ballot to the voter. The voter shall fold each copy of the ballot insert the original in the envelope marked "Original for Municipal Election Officials" and the carbon copy in the envelope marked "Carbon Copy for Secretary of State", seal both envelopes, and give both sealed envelopes to the clerk.

Any qualified elector of the municipality who is in the services of the Armed Forces of the United States, whose regular duties require that he be absent from the municipality of his residence on the date any municipal election is to be held, and any qualified elector who is the wife of any such elector in service who resides with him at his duty station, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in writing or by filling out the Federal postcard application form authorized and provided for under the provisions "The Federal Voting Assistance Act of 1955" (Public Law 296, Chapter 656, HR 4048, approved August 9, 1955, 84th Congress, First Session), and mailing such application to the clerk or the person designated to serve instead of the clerk. The affidavit required to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the municipal clerk or to the person acting in his stead and shall be by him marked the day and hour of receipt thereof. When received by the municipal clerk or the person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the municipal clerk in person.

Any qualified elector of the municipality who is a disabled veteran confined in a facility or hospital operated by the Vet-

erans Administration, may, not more than forty-five nor less than five days before the election in which he desires to vote, make written application to the municipal clerk, or to the person designated to serve in his stead, for an absentee ballot. Such application shall have attached thereto a certificate signed by the authority in charge of the hospital or facility, certifying that the applicant is a disabled veteran being confined in such hospital or facility. The voter may make the affidavit on the ballot before any officer authorized to administer oaths or before any officer of the hospital or facility and mail the ballot to the municipal clerk or other person acting in his stead. Such ballot shall be handled and counted in the same manner as ballots voted before the municipal clerk in person.

At the close of business each day the envelopes for the Secretary of State shall be placed in a larger envelope by the clerk and mailed by registered or certified mail on that day to the Secretary of State, State Capitol, Montgomery, Alabama.

The clerk shall retain the envelopes marked "Original for Municipal Election Officials", securely in his possession until the day of the election. If the election is in a municipality having a population of less than 10,000 inhabitants the absentee ballots shall be delivered by the clerk on election day, not later than the hour set for closing the polls, to the election officers of the wards of the respective voters. If the election is in a municipality having a population of 10,000 inhabitants or more, then the ballots shall be delivered by the clerk to the election officials appointed to serve, count, and make returns of the ballots cast by absentee voters, and as nearly an equal number thereof as possible shall be delivered to each set of such officials when there is more than one set of such officials.

Absentee ballots delivered by the clerk to the election officials shall be counted and disposed of and returns therefor made as regular ballots are counted and disposed of and returns therefor made.

Section 39. The municipal clerk shall each day post on the regular municipal bulletin or notice board an accurate list of the names, residences, and polling places of voters voting absentee ballots on that day. Three days before the holding of any election, he shall post at the city or town hall, on the regular bulletin or notice board, a complete list of the names, residences, and polling places of all voters voting absentee ballots in the election. On election day he shall send a similar list to the Secretary of State who shall keep such list available for public inspection for ninety days and shall retain a copy thereof in his office for public inspection.

Before the polls open at any election held pursuant to this Act the clerk shall deliver to the election officials of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for such polling place who voted an absentee ballot in the election.

Section 40. Any mayor or other chief executive officer of a municipality who fails to give notice of any municipal election as required in this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered or who has not paid all poll taxes due, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars (\$100).

Any mayor or other chief executive officer of a municipality or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars (\$100) unless otherwise provided in this Act.

Section 41. Any municipal clerk who sends any ballots to or makes any suggestions in reference to furnishing ballots for absent voters, except upon the application or request of the absent voter, himself, shall be guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any municipal clerk who fails to properly preserve the certificate of results of an election and deliver it to the municipal governing body at the time appointed for canvassing the returns of the election, as required by Section 27 of this Act, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 42. Any election officer appointed such by a municipal governing body who shall fail to attend a municipal elec-

tion without a lawful excuse shall, on conviction, be fined not more than one hundred dollars (\$100).

Any election officer who drinks any intoxicating liquors while any election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who, without lawful excuse, neglects, fails, or refuses to perform any official duty prescribed by this Act, shall be guilty of a misdemeanor unless otherwise provided, and, on conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who discloses how any elector voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

If any election officer wilfully neglects to perform any duty imposed on him by this Act, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect, or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); but no person shall be deemed an officer within the meaning of this section, until he first shall have taken an oath well and truly to discharge the duties of such office, to the best of his ability, or until he shall have performed some of the duties of such office. The failure or refusal of any person to accept office, or his failure or refusal to discharge and perform the duties of such office at any time after his appointment thereto, and prior to his taking the oath of such office, and before he shall have discharged and performed any of the duties thereof, shall not in either event, be deemed a violation of this section.

Any election officer or any other person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting, or the number of their ballots, or discloses, the number of such voter's ballot, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200).

Section 43. Any inspector of election who shall, without challenging him, permit any person to vote in a municipal election knowing that he is not a qualified elector, shall be fined not less than one hundred dollars (\$100).

Any inspector of election who shall wilfully exclude any vote duly tendered and unchallenged in a municipal election, knowing

that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as is required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100), and may also be sentenced to hard labor for the county for not more than six months.

Any inspector of a municipal election who wilfully fails or refuses to advise any elector entitled thereto, that he is entitled to an assistant, or who refuses to let such elector select an assistant as required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Any inspector of a municipal election who does or performs any of the following acts shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary for not less than one nor more than five years:

1. Wilfully deceives any elector in preparing his ballot;
2. Alters or changes the ballot of a voter, or substitutes a ballot for the one offered by any voter;
3. Makes a false copy of the certificate of the results of an election.

Section 44. Any returning officer of the ward who fails to deliver the statement of votes and poll list of a municipal election to the municipal clerk, within the time required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and must also be imprisoned in the county jail for not more than six months.

Section 45. Any marker or helper or assistant, authorized to aid a disabled voter at a municipal election, who wilfully deceives any elector in preparing his ballot, must, on conviction, be imprisoned in the penitentiary not less than one nor more than five years.

Section 46. Any duly appointed watcher at a municipal election who drinks any intoxicating liquors while the election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Section 47. If any officer on whom a duty is imposed by

this Act wilfully neglects to perform such duty, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

Section 48. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any qualified elector at any municipal election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election or having voted at such election votes a second time, whether in the same ward or another, shall be guilty of a felony, and, on conviction in the circuit court or court of like jurisdiction of the county, shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years.

Any absentee voter who shall wilfully make or subscribe to an oath falsely, in order to qualify himself to vote at a municipal election shall be guilty of perjury.

Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely is guilty of perjury and, upon conviction, may be imprisoned in the penitentiary for not less than two years.

Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months.

Section 49. Any person who shall wilfully fail or refuse to perform or discharge any duty relating to absent voters required of him by this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars (\$100).

Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly influence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid, for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and imprisoned in the county jail for not less than thirty days nor more than six months.

Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100); but this shall not apply on the trial of any contested elections.

Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two hundred dollars (\$200).

Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

Any person who falsely makes or fraudulently destroys any certificate of nomination for election at a municipal election, or any part thereof, or files any certificate of nomination, knowing the same, or any part thereof, to be false, shall be guilty of a felony, and on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who suppresses any nomination for a municipal office which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one or more than five years.

Section 50. The election of any person declared elected to any office of a city or town may be contested by any person who was at the time of the election a qualified elector of such city or town for any of the following causes:

1. Malconduct, fraud, or corruption on the part of any election official, any marker, the municipal governing body, or any other person.

2. When the person whose election to office is contested was not eligible thereto at the time of such election.

3. On account of illegal votes.

4. On account of the rejection of legal votes.

5. Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise.

Any contest of such an election must be commenced within five days after the result of the election is declared. Such contest shall be instituted in the manner prescribed by Section 245 of Title 17, Code of Alabama, 1940, and, except as herein otherwise provided, all proceedings relative to contests of elections to municipal offices shall be governed by the provisions of Articles 22 and 23, Chapter 1, Title 17, Code of Alabama, 1940, insofar as they are applicable.

Section 51. No malconduct, fraud, or corruption on the part of the election officers, the marker, the municipal governing body, or other person, nor any offers to bribe, bribery, intimidation or other malconduct which prevented a fair, free, and full exercise of the elective franchise, can annul or set aside any municipal election unless thereby the person declared elected, and whose election is contested, be shown not to have received the requisite number of legal votes for election to the office for which he was a candidate, nor must any election contested under the provisions of this Act be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number of illegal votes

given to such person, if taken from him, would reduce the number of votes given to him below the requisite number of votes for election. Nor must any election be annulled or set aside because of the rejection of legal votes unless it appears that such legal votes, if given to the person intended, would increase the number of his legal votes to or above the requisite number of votes for election.

Section 52. If, on the trial of the contest of any municipal election, it shall appear that any person other than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected been received, the requisite number of votes for election, judgment must be given declaring such person duly elected, and such judgment shall have the force and effect of investing the person thereby declared elected with full right and title to have and to hold the office to which he is declared elected. If it appears that no person has, or would have had, if the ballots intended for them and illegally rejected had been received, the requisite number of votes for election, judgment must be rendered declaring this fact, and such fact must be certified to the municipal governing body and the vacancy in the office, election to which had been contested, shall be filled in the manner prescribed by law for filling the vacancy in such office. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact must be certified to the municipal governing body. The vacancy in such office shall be filled in the manner prescribed by law. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

Section 53. If any municipal election provided for in this Act should not take place on the day appointed, the municipal corporation shall not for that cause be dissolved, but the incumbent officers shall remain in office until their successors shall be elected and qualified. The municipal governing body shall fix some day, as early as convenient, on which day said election shall be held; and the election shall be conducted in all respects as a regular election, and the persons so elected shall hold office until the next general election and until their successors are elected and qualified.

Section 54. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 55. Act No. 465, S. 29, approved July 6, 1945,

(General Acts of Alabama, 1945, page 699) is hereby expressly repealed; and any and all other laws or parts of laws in conflict herewith are to the extent of such conflict also hereby repealed. It is specifically declared, however, that the designation in this Act of certain acts and omissions relative to municipal elections as offenses shall not be exclusive and that any act or omission relative to a municipal election which is by law designated as an offense but which is not mentioned in this Act shall continue to be an offense punishable in the manner prescribed by law.

Section 56. This Act shall become effective on October 1, 1961 after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 6, 1961
Time: 12:12 P.M.

Act No. 665

S. 246—Porter, Andrews, Gaither,
Wyatt.

AN ACT

To authorize Recorders in municipal courts to issue search warrants directed to municipal marshalls or policemen, and to provide the circumstances under which such search warrants may be issued.

Be It Enacted by the Legislature of Alabama:

Section 1. Recorders of municipal courts, as defined in Title 37, Section 582, Code of Alabama 1940, as amended, are hereby authorized to issue search warrants directed to any policeman or marshall of the municipality, to search for any personal property when it is made to appear to him upon oath that there is probable cause to believe that such property was stolen or embezzled or was used as the means of committing a felony or is in the possession of any person with the intent to use it as a means of committing an offense contrary to the laws of the State or of the municipality or in the possession of another to whom the same may have been delivered for the purpose of concealing it or preventing its discovery.

Section 2. This Act shall become effective immediately upon its passage or approval by the Governor or its otherwise becoming a law.

Approved Sept. 6, 1961
Time: 12:11 P.M.

Act No. 666

H. 1216—Long (Perry).

AN ACT

TO AMEND TITLE 37, SECTIONS 404, 426, 428, 429, 456 and 457, of the Code of Alabama 1940, as heretofore amended, relating to the election of mayor and aldermen and the legislative functions of municipal councils.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 37, Section 404, of the Code of Alabama 1940, as heretofore amended, be, and the same hereby is, amended so as to read as follows:

"404. ELECTION OF MAYOR AND ALDERMEN: legislative functions.—In all cities and towns at the general election to be held on the second Tuesday in August, 1964, and quadrennially thereafter, there shall be elected a mayor, who, in cities having a population of twelve thousand or more, according to the last or any subsequent federal census, shall not sit with the council, nor have a vote in its proceedings, and he shall have the power and duties herein conferred. In all cities and towns having a population of less than twelve thousand inhabitants according to the last or any subsequent federal census, the legislative functions shall be exercised by the mayor and five aldermen. The mayor shall preside over all deliberations of the council. At his discretion he may vote as a member of the council on any question coming to a vote, except in case of a tie, in which event he must vote. The aldermen in such municipality shall be elected by the city or town at large, at the first general election held on the second Tuesday in August, 1964, and quadrennially thereafter or from wards as the said councils may determine, not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election."

Section 2. That Title 37, Section 426, of the Code of Alabama 1940, as heretofore amended, be, and the same hereby is, amended so as to read as follows:

"426. ELECTION OF PRESIDENT OF COUNCIL AND ALDERMEN.—In cities having a population of twelve thousand or more, there shall be elected at each general municipal election the following officers, who shall compose the city council for such cities, and who shall hold office for four years and until their successors are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the city council or its members: A president of the

city council; and in cities having seven wards or less, two aldermen from each ward, to be elected by the qualified voters of the several wards voting separately in every ward; except in cities of less than twenty thousand population, in which two aldermen from each ward shall be elected by the electors of the city at large; in cities having more than seven wards, one alderman from each ward, and a sufficient number of aldermen from the city at large to make the total number of aldermen fourteen exclusive of the president of the council; and in cities having fifty thousand population or more the city council may create not exceeding twenty wards. The president of the council shall have the right to vote on all questions the same as any other member of the council. Provided, however, that the city council of any city having a population of twelve thousand or more may by ordinance or resolution, if adopted by two-thirds vote of the city council more than six months prior to any general municipal election, provide that the city council of said city shall consist of five aldermen to be elected from the city at large. And provided further, that the city council of any city having a population of more than thirty thousand, according to the last or any subsequent federal decennial census, or according to any census of such city made pursuant to article 3 of chapter 10 of this title, or Act No. 845 of the Acts of 1953 (sections 481 (1) and 481(2) of this title,) and having only five wards, may, by ordinance or resolution adopted by two-thirds vote of the city council, at least six months prior to a general municipal election, provide that the city council shall consist of a president and five aldermen. If such an ordinance or resolution is adopted one alderman shall reside in each of the respective wards of the city, the president and all the aldermen shall be elected by the voters of the city at large, and the president shall vote only in case of a tie."

Section 3. That Title 37, Section 428, of the Code of Alabama 1940, as heretofore amended, be, and the same hereby is, amended so as to read as follows:

"428. POWERS AND DUTIES OF PRESIDENT PRO-TEMPORE OF COUNCIL.—In case of the absence of the mayor from a city of twelve thousand or more inhabitants, or his inability to serve on account of sickness or any other good reason, the president of the council, or the president pro tempore of the council in case of absence or disability of the president of the council, shall act as mayor pro tempore with the power and authority of the mayor during such time. In the event of a failure or refusal of the president of the council or the president pro tempore of the council, to act, the council

may appoint one of its members to act as mayor pro tempore with like effect, which appointment shall be entered in the minutes of the council. In the event of a vacancy, from any cause, in the office of mayor, the president of the council shall succeed to the office of mayor for the unexpired term; in the event of a vacancy in the office of the president of the council, the president pro tempore shall, in like manner, be president of the council for the unexpired term; in the event of a vacancy in the office of the president pro tempore, the office shall be filled from the membership of the council. In cities of less than twelve thousand inhabitants, and in towns, in case of the absence or disability of the mayor, the functions of the office shall be exercised by the chairman pro tempore of the council, and during his absence or disability, by such person as the council may appoint from its membership, which appointment must be entered upon the minutes of the council. In the event of a vacancy from any cause, in the office of mayor, the council shall fill the vacancy either from its own membership or from without the membership of the council. The person elected by the council to fill the vacancy in the office of mayor shall be a qualified elector in the municipality and must meet all other legal qualifications required by law for the performance of the duties of the office to which elected. In cities having a population of twelve thousand, or more, which have by ordinance or resolution, adopted by two-thirds vote of the city council more than six months prior to any general municipal election, provided that the city council shall consist of five aldermen to be elected from the city at large, there shall be elected by the council and from its members a president of the council and a president pro tempore of the council, which appointments must be entered upon the minutes of the council. In such cities, in case of the absence or disability of the mayor, the functions of the office shall be exercised by the president of the council and, during his absence or disability, by the president pro tempore of the council. In the event of a vacancy for any cause in the office of mayor, the president of the council shall succeed to the office of mayor for the unexpired term; in the event of a vacancy for any cause in the office of president of the council, the president pro tempore shall, in like manner, be president of the council for the unexpired term. The provisions of this section shall not apply to cities operating under commission form of government."

Section 4. That Title 37, Section 429, of the Code of Alabama 1940, as heretofore amended, be, and the same hereby is, amended so as to read as follows:

"429. POWERS AND DUTIES OF COUNCIL IN GEN-

ERAL.—All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officers by law or ordinance. They shall perform the duties required in this title, including the following:

1. The members of such council shall, on the first Monday in October, after their election, assemble and organize the council.

2. In all towns or cities a majority of the whole number of members to which such corporation is entitled, including the mayor in towns and cities of less than twelve thousand population, shall be necessary to constitute a quorum.

3. They shall determine the time and place of holding their meetings, which at all times shall be open to the public, and in towns and cities of less than twelve thousand population, in the absence of the mayor, shall appoint a temporary chairman, which appointment shall be entered of record. In cities of more than twelve thousand population, they shall elect *viva voce* a president *pro tempore*.

4. They shall determine the rules of their own proceedings and keep a journal thereof, which shall be open to the inspection and examination of all citizens and shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be *prima facie* evidence in any court or elsewhere.

5. They may compel the attendance of absent members in such manner and under such penalties as they may prescribe.

6. All cities and towns shall have a seal, in the center of which shall be the words, "city seal" or "town seal," as the case may be, and around the margin the name of the city or town, which shall be affixed to all transcripts, orders, or certificates which it may be necessary or proper to authenticate.

7. All elections of officers shall be made *viva voce*, and a concurrence of a majority of the whole number of elected members to the council shall be required. On the vote resulting in an election or appointment, the name of each member and for whom he voted shall be recorded.

8. They shall fix, by ordinance, the terms of service, not to exceed the term of the mayor, of all the officers appointed or elected, whose terms are not prescribed by law.

9. They shall prescribe by an ordinance the powers to be exercised and the duties to be performed by the officers

appointed or elected so far as such duties and powers are not prescribed by law.

10. Except as otherwise provided, they shall have power to establish a police force and to organize the same under the general supervision of the chief of police, and to provide one or more station houses, and to require all things necessary for the maintenance of an efficient police department.

11. Except as otherwise provided herein, they shall have the management and control of the finances and all of the property, real and personal, belonging to the city or town."

Section 5. That Title 37, Section 456, of the Code of Alabama 1940, be, and the same hereby is, amended so as to read as follows:

"456. **STYLE OF ORDINANCES; HOW ADOPTED.**—The style of an ordinance of a city or town shall be, "Be it ordained by the city (or town) council of as follows:" inserting the name of the city or town, as the case may be, and no ordinance or resolution intended to be of permanent operation shall be adopted by the council at the same meeting at which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent to be shown by a vote taken by yeas and nays, and the names of the members voting to be entered upon the minutes, and no ordinance or resolution intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to said council in cities of over twelve thousand inhabitants, or the mayor and three aldermen, or four aldermen in cities of less than twelve thousand inhabitants and in towns shall vote in its favor. The council shall award no contract on bids except by resolution."

Section 6. That Title 37, Section 457, of the Code of Alabama 1940, be, and the same hereby is, amended so as to read as follows:

"457. **RESOLUTIONS AND ORDINANCES TRANSMITTED TO AND APPROVED BY THE MAYOR.**—In cities having a population of twelve thousand or more, all resolutions or ordinances intended to be of a permanent operation, after having been passed by the council, shall by the clerk, be transmitted, within forty-eight hours after their passage, to the mayor or acting mayor, for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish them, and such ordinances and resolutions shall thereupon have the force of law; but the council

may provide that they shall be effective from approval. An ordinance or resolution may be recalled from the mayor at any time before it has become a law, or has been acted on by him, by a resolution adopted by a majority of the members elected to the council, in regular or special session."

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 6, 1961

Time: 12:11 P.M.

Act No. 667

H. 230—Callahan, Hanby, Ferguson,
Torbert, Cook, Ramey.

AN ACT

To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of making improvements on and adding equipment to the State Oil and Gas Building located at the University of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sum of Eighty-Five Thousand Dollars (\$85,000.00), or so much thereof as may be necessary, is hereby appropriated from the Oil and Gas Fund in the State Treasury to the State Building Commission to be used exclusively for the purpose of making improvements on and adding equipment to the Oil and Gas Building, which is under construction at the University of Alabama and which was provided for by Act No. 245, 1959 General Acts of Alabama, page 805, and approved September 30, 1959.

Section 2. The improvements and equipment which are to be added to said building shall be under the supervision and control of the State Building Commission; and the appropriation herein made shall be paid out of said fund on orders of said Commission or its duly authorized officers, agents, or employees, as directed by the Commission.

Section 3. All laws or parts of laws which conflict with this act are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 6, 1961

Time: 5:45 P.M.

Act No. 668

H. 15—Smith (Russell), Grouby, Oden,
Torbert, Cornett, Goodwyn,
Pruitt, Casey, Ingram.

AN ACT

To appropriate out of any funds in the State Treasury to the credit of the Alabama State Bar Association, the sum of \$70,000 for the purpose of erecting and constructing a building for the Alabama State Bar Association.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury to the credit of the Alabama State Bar Association, the sum of \$70,000, or so much thereof as may be necessary, to be used only for the purpose of erecting and constructing a building for the Alabama State Bar Association.

Section 2. The above appropriation shall be allotted by the State Budget Officer on the approval of the Director of Finance, and the State Building Commission shall approve all plans and specifications for the erection and construction of said building. The State Comptroller shall issue his warrants not in excess of the sum of \$70,000 herein appropriated in payment for the work done, from time to time, upon approval of the Director of the Technical Staff of the State Building Commission. The said building shall be erected and constructed pursuant to the provisions of Title 50, Code of Alabama 1940, as amended.

Section 3. This Act shall become effective on October 1, 1961.

Approved September 7, 1961
Time: 9:15 A.M.

Act No. 669

H. 323—Ferguson.

AN ACT

To amend Code of Alabama 1940, Title 48, Section 5, to provide that congressional redistricting shall not serve to disqualify public service commissioners even though two or more commissioners may be residents of the same congressional district.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1940, Title 48, Section 5 is hereby amended to read as follows:

“Section 5. No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible

for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in Congress."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 6, 1961

Time: 5:45 P.M.

Act No. 670 H. 719—Cornett, Smith (Russell), Goodwyn,
Goldthwaite, Steagall, Brewer, Self,
Roberts, P e r r y, L o c k e, Merrill,
Casey, Pruitt.

AN ACT

To authorize the president, the first vice-president and the secretary of the Alabama State Bar to organize and incorporate a public corporation for the purpose of acquiring, providing and constructing a building or buildings for the Alabama State Bar; to specify that the name of such public corporation shall be Alabama State Bar Foundation or other similar name; to specify the procedure by which such public corporation shall be organized; to authorize the Secretary of State to issue a certificate of incorporation when such procedure has been accomplished; to provide for the Board of Trustees and officers of such corporation; to grant to such public corporation all necessary and desirable powers, including the power to lease and make available to the Alabama State Bar all or any part of the space in any of its buildings, with or without the payment of rental; to exempt such corporation, and documents to which it is a party, from all taxation in the State of Alabama; to authorize the conveyance by the State of Alabama to such corporation of a parcel of land adjacent to the Judicial Building in the City and County of Montgomery, Alabama, without the payment of any pecuniary consideration but upon the undertaking by such corporation to construct thereon a building for the state bar uses described in the act; to provide that if said land ever ceases being used for any of the purposes described in the act, title thereto shall revert to the state; to authorize the Board of Commissioners of the Alabama State Bar to disburse and pay to such corporation, for the construction and erection of such building or buildings, all or any part of the moneys appropriated to the Alabama State Bar; and to provide that such corporation shall be a non-profit corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. *Legislative Findings and Intent.* The legislature hereby finds and declares that it is necessary and desirable in the best interests of the state that the Alabama State Bar (which is provided for by statute) have a building or buildings with space available for its administrative offices, for its Board of Commissioners, for the board of examiners on admission to the state bar, for the storage of library and other educational materials relating to the improvement of the ad-

ministration of justice, for its standing and other committees and the staffs of its professional journals, for continuing legal education activities and for other related purposes. It is the intention of the legislature by the passage of this act to authorize the incorporation of the president, the first vice-president and the secretary of the Alabama State Bar as a public corporation for the purpose of constructing, erecting, owning, operating and maintaining such a building or buildings and to vest such corporation with all powers, authority, rights and privileges necessary to accomplish such purpose. This statute shall be liberally construed in conformity with said purpose.

Section 2. *Proceedings to Incorporate.* The president, the first vice-president and the secretary of the Alabama State Bar may become a corporation by presenting to the Secretary of State of Alabama an application signed by them setting forth (a) the name and official designation of each of the applicants, (b) the dates of beginning and ending of the term of office of each of the applicants, (c) the name of the proposed corporation (which shall be Alabama State Bar Foundation if such name is available for such use by the corporation, but if such name is not available then the applicants shall designate some other similar name that is available), (d) the location of the principal office of the proposed corporation, and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of Alabama to take acknowledgements to deeds. There shall be attached to the application (1) a certificate made by the secretary of the Alabama State Bar, under its seal, stating that the persons signing the application as president and first vice-president of the Alabama State Bar are known to him as president and first vice-president, respectively, of the Alabama State Bar, and (2) a certificate made by the president of the Alabama State Bar, under its seal, stating that the person signing the application as secretary of the Alabama State Bar is known to him as the secretary of the Alabama State Bar. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of record in his office.

Section 3. *Certificate of Incorporation.* When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation,

under the great seal of the state, and shall record the certificate with the application. No fees shall be paid to the Secretary of State for any work in connection with the incorporation of the corporation (which is hereinafter sometimes called "the foundation").

Section 4. *Officers and Trustees of the Foundation.* The foundation shall be governed by a Board of Trustees consisting of the president, the first vice-president and the members of the Board of Commissioners of the Alabama State Bar, each of whom shall be a voting member of such Board of Trustees and shall hold office as such concurrently with his term of office as president, first vice-president or member of the Board of Commissioners of the Alabama State Bar, as the case may be. The Board of Trustees may adopt such by-laws for the conduct and regulation of its meetings and the affairs of the foundation as such board may desire and as are not inconsistent with this act or the laws of Alabama.

The president, first vice-president and secretary of the Alabama State Bar shall serve as ex officio president, vice-president and secretary of the foundation. The Board of Trustees of the foundation may appoint such other officers as they shall deem appropriate. No officer or member of the Board of Trustees of the foundation shall be entitled to any compensation for acting as such, but each thereof shall be entitled to be reimbursed for the reasonable and necessary expenses incurred by him in the discharge of his official duties.

Section 5. *Powers.* The foundation shall have the following powers: (a) to have succession by its corporate name in perpetuity, (b) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto, (c) to adopt and use a corporate seal and to alter the same at pleasure, (d) to acquire, by gift, grant, purchase, condemnation or otherwise, and to hold title to, real or personal property, or both, together with all rights incidental thereto, (e) to construct, erect, operate and maintain one or more buildings for use by the Alabama State Bar, (f) to lease and make available to the Alabama State Bar all or any part of the space in any of its buildings, with or without the payment of rental and on such other terms and conditions as the Board of Trustees of the foundation may prescribe, (g) to lease, as either lessor or lessee and on such terms and conditions as its Board of Trustees may prescribe, and real or personal property, (h) to employ such employees and agents as the business of the foundation may require, (i) to accept devises, bequests and

donations, and (j) to have all other powers necessary or desirable to accomplish its corporate purposes.

Section 6. *Properties of the Foundation.* All properties of the foundation, the income therefrom and all other income of the foundation shall forever be exempt from any form of taxation in the State of Alabama. All deeds, lease agreements and other recordable documents to which the foundation is a party shall be exempt from the payment of any deed, mortgage and other tax in the State of Alabama.

Section 7. *Conveyance by State Authorized.* As promptly as practicable after the incorporation of the foundation, the governor shall execute and deliver to the foundation an appropriate deed conveying to the foundation that certain lot or parcel of land owned by the state and situated adjacent to the Judicial Building in the City and County of Montgomery, Alabama, upon the condition that if said land shall ever cease being used for any of the purposes described in Section 1 of this act, title thereto shall revert to the state. The said deed shall be so executed and delivered without the payment of any pecuniary consideration by the foundation, but upon the undertaking by the foundation to construct thereon a building or buildings suitable for the uses described in Section 1 of this act.

Section 8. *Appropriations to Foundation.* To enable the foundation to construct a building or buildings suitable for the uses described in Section 1 of this act, the Board of Commissioners of the Alabama State Bar is authorized to disburse and pay to the foundation all or any part of the moneys appropriated to the Alabama State Bar for the construction and erection of buildings, such disbursements and payments to be made in the manner provided by Section 32 of Title 46 of the Code of Alabama of 1940. Any moneys so disbursed and paid to the foundation shall be expended by it, for the purpose of paying the costs of constructing and erecting such a building or buildings, in the manner provided by its Board of Trustees.

Section 9. *Non-Profit and Public Nature of the Foundation.* It is the intention of this act that the foundation be a non-profit public corporation. No part of the net earnings of the foundation shall inure to the benefit of any private individual, firm or corporation.

Section 10. *Severability.* The provisions of this act are severable. In the event any section, sentence or provision hereof shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render

unenforceable any of the remaining sections, sentences or provisions hereof.

Section 11. *Effective Date.* This act shall become effective upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 7, 1961
Time: 9:16 A.M.

Act No. 671

H. 1378—Gilchrist, Brewer.

AN ACT

Relating to counties of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census; providing for payment of an expense allowance to the probate judges of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census, the board of revenue, court of county commissioners or like county governing body shall pay to the judge of probate for office and other expense incurred in the maintenance and conduct of his office and in the proper and efficient discharge of his duties as probate judge, the sum of one thousand five hundred dollars (\$1,500) per annum. Such sum shall be paid in equal monthly installments and shall be in addition to any compensation or allowance now authorized by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective October 1, 1961.

Approved Sept. 7, 1961
Time: 10:50 A.M.

Act No. 672

H. 479—Smith (Russell), Morrow, Boyd,
McLendon (Bullock), Cook,
Adams, Sessions, Hawkins,
Nichols, Faulk, Bailey, McCorquodale, Thomas, Solomon,
Chambers, Trimmier, Beville,
Sullivan.

AN ACT

To revise the privilege license schedules relating to the registration of trucks, truck-tractors, trailers, and semi-trailers operated for hire, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1.—(a) Each motor truck operated for hire using exclusively motor fuel on which the excise tax imposed by this state has been paid, or motor fuel which will be included in the report required to be made to the department of revenue of motor fuel sold or stored and on which the state excise tax on motor fuel will be paid when same becomes due, shall pay a license tax in accordance with the following schedules, based on maximum gross vehicle weight. For purposes of computing the license tax payable hereunder, the term "gross vehicle weight" shall mean the empty weight of the truck or truck-tractor, and, in the case of combinations, the empty weight of the heaviest trailer or semi-trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error allowable under any other provisions of law shall be deemed applicable to the provisions of this section.

(b) Trucks and Truck-Tractors For-Hire.—Motor trucks and truck-tractors with more than two axles when a single unit, and all tractor-semi-trailer or truck-trailer combinations which are used to transport goods, wares, merchandise, or commodities of any kind or nature for compensation of any kind, or operated under any rental, lease, or other agreement where compensation is charged for the use of such vehicle, except trucks used for the transportation of household goods, personal furniture, or other household effects, and except motor vehicles used in the transportation of commodities exempt under the Alabama Motor Carrier Act of 1939, as amended, either directly or indirectly, shall pay the following licenses:

Gross Vehicle Weight in Pounds	Amount of License Tax
0 to 8,000	\$ 15.00
8,001 to 12,000	20.00
12,001 to 18,000	35.00
18,001 to 24,000	50.00
24,001 to 30,000	200.00
30,001 to 36,000	250.00
36,001 to 42,000	300.00
42,001 or more	450.00

It is provided, however, that vehicles as described in this sub-section which operate exclusively within 15 miles of the corporate limits of the incorporated municipality in which they are customarily domiciled (but not including vehicles operating beyond the borders of Alabama) are not considered to be for hire.

(c) The owner of a motor truck or truck-tractor operated for hire may voluntarily increase the allowable gross weight

for which his vehicle is licensed by purchasing the license hereinabove prescribed for the appropriate weight classification and paying the difference in fees between the license which is surrendered and that for the higher weight classification desired. The license classification may not be decreased for a vehicle, however, except once a year at the time new license tags or plates are purchased for such vehicle. If upon inspection any vehicle licensed hereunder is found to weigh more than is permitted by the license plates which it carries (regardless of whether such weight is below the legal maximum permitted for other than licensing purposes), the owner of such vehicle shall purchase immediately a new license for the weight of the vehicle as inspected. In such an event no credit shall be allowed for the surrendered under-rated license plates or tags, and the owner of the vehicle shall be subject to the penalty prescribed by law for using a motor vehicle with an improper license.

Section 2. Trailers and semi-trailers operated in combination with a for-hire motor truck or truck-tractor shall pay a license fee of ten dollars.

Section 3. The provisions of Code of Alabama 1940, Title 51, Sections 697 and 703, which conflict with this Act are repealed.

Section 4. This Act shall become effective October 1, 1961.

Approved September 8, 1961

Time: 11:51 A.M.

Act No. 673 H. 481—Smith (Russell), Morrow, Boyd, McLendon (Bullock), Cook, Adams, Sessions, H a w k i n s, Nichols, Faulk, Bailey, McCorquodale, Thomas, Solomon, Chambers, Trimmier, Beville, Sullivan, Pruitt.

AN ACT

To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, assessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for-hire.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy assessment and collection of mileage taxes from motor carriers in the State of Alabama, is amended to read as follows:

"Section 2. Every motor carrier of persons for hire traversing the highways of the State subject to the provisions of an Act known as the Alabama Motor Carrier Act of 1939 shall pay to the State of Alabama into the fund of the State Department of Revenue as contribution to the maintenance, repair and policing of public highways for each mile actually operated within the State on such public highways, whether such vehicle is loaded or empty, a mileage tax of one-fourth ($\frac{1}{4}$) cent per mile on all passenger vehicles with a seating capacity of not less than nine nor more than sixteen (16) passengers; a mileage tax of one-half ($\frac{1}{2}$) cent per mile on all passenger vehicles with a seating capacity of not less than seventeen (17) nor more than twenty-one (21) passengers; a mileage tax of three-fourths ($\frac{3}{4}$) cent per mile on all passenger vehicles with a seating capacity of not less than twenty-two (22) nor more than twenty-five (25) passengers; and a mileage tax of one cent (0.01) per mile on all passenger vehicles with a seating capacity exceeding twenty-five (25) passengers. 'Seating capacity' for the purpose of this Act means actual number of regular passenger-carrying seats in a motor vehicle; and 'regular passenger-carrying seat' as used in this Act means a seat ordinarily and customarily used by one (1) passenger but does not include folding, or collapsible emergency aisle seats: provided, however, that the number of such folding or collapsible aisle seats shall not be greater in number than twenty-five per cent (25%) of the regular seats in such vehicle; and provided further that where any seats in the vehicle are not distinguished by separate cushions or backs, one seat shall be counted for each eighteen (18) inches of space on any such seat. The taxes imposed by this Act shall be increased fifty per cent (50%) if the annual license tax prescribed by the laws of this State on like vehicle is not paid. Such mileage tax as herein set out shall be paid by such motor carrier in addition to all property, franchise, license or other taxes, fees and charges now or hereafter provided by law. The tax herein levied shall constitute a debt due the State of Alabama and may be collected by civil suit in addition to the methods herein provided."

Section 2. This Act shall become effective on October 1, 1961.

Approved September 8, 1961

Time: 11:53 A.M.

Act No. 674

H. 484—Smith (Russell), Sullivan, Morrow, Boyd, McLendon (Bullock), Cook, Adams, Sessions, Cates, Hawkins, Nichols, Faulk, Bailey, Thomas, McCorquodale, Solomon, Chambers, Trimmier, Beville.

AN ACT

To make further provision regarding the taxation affecting motor fuel, as defined in this Act, sold to, or withdrawn from storage or used in this State by motor carriers, as defined in this Act, including the imposition of an excise tax measured by the quantity of motor fuel used by such motor carriers in their operations in this State; the definition of the terms motor vehicle, motor carrier, operations, motor fuel, Commissioner, gasoline tax and Diesel fuel tax, as used in this Act; the fixing of the amount of such tax and provision for the collection thereof; provision for credit upon such tax for payment of the gasoline tax and the Diesel fuel tax and, in certain cases, provision for refunds of the gasoline tax and the Diesel fuel tax, if proper bond be given; provision for an audit of the records of applicants for refunds; provision for penalties for the violation of this Act; provision for the costs of administration of this Act; provision for the disposition of the proceeds of the tax imposed by this Act; provision for the making of reports by all motor carriers subject to this Act; provision for sales of motor fuel, as defined in this Act, to motor carriers duly reporting pursuant to this Act by a distributor or storer without liability for the gasoline tax or the Diesel fuel tax if such motor carrier has given bond in such amount as may be required by the Commissioner to secure the payment of the tax imposed by this Act; authorizing the Commissioner of the State Department of Revenue to promulgate rules and regulations with respect to the enforcement of the provisions of this Act; provision for the modification and repeal of laws or portions thereof to the extent of any conflict with the provisions of this Act; the fixing of the effective date of this Act; and generally, provision for the enforcement of the provisions of this Act and rules and regulations adopted pursuant thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—Whenever used in this Act,

(a) the term “motor vehicle” shall mean any passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any tractor, truck, or any truck having more than two axles.

(b) the term “motor carrier” shall mean every person, firm or corporation who or which operates or causes to be operated on any highway in this State any motor vehicle, as defined herein, except any resident person, firm or corporation owning or operating not more than one such motor vehicle for his own use and not for hire, and except any person, firm or corporation the motor vehicles of which are operated or caused to be operated wholly within this State.

(c) the term "operations" shall mean operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

(d) the term "motor fuel" shall mean and include gasoline, Diesel fuel, and any other inflammable liquid or substance by whatever name it may be known and sold, the use of which is as a fuel for the propulsion of motor vehicles.

(e) the term "Commissioner" shall mean the Commissioner of the State Department of Revenue.

(f) the term "gasoline tax" shall mean the tax imposed by Article 5, Chapter 20 of Title 51 of the Code of Alabama of 1940 as amended.

(g) the term "Diesel fuel tax" shall mean the tax imposed by Act No. 590, H. 392, General Acts of Alabama of 1939, pages 958-963, approved June 27, 1940.

Section 2. Amount of tax; levy—Every motor carrier shall pay an excise tax upon motor fuels used in its operations within this State at the same rate per gallon as shall be currently in effect for the classifications of fuels so used under applicable statutes levying the gasoline tax and Diesel fuel tax as such terms are defined in paragraphs (f) and (g) of Section 1.

Section 3. Credit of payment of gasoline and Diesel fuel taxes.—(a) Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect, on all motor fuel purchased by such motor carrier within this State for use in its operations either within or without this State and upon which the gasoline tax or the Diesel fuel tax has been paid by such motor carrier. Evidence of the payment of such taxes in such form as may be required by, or is satisfactory to, the Commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax hereby imposed for which the motor carrier is liable for the same quarter, such excess may under regulations of the Commissioner be allowed as a credit on the tax hereby imposed for which such motor carrier would be otherwise liable for any of the three succeeding quarters; or upon application within three years from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded, if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax

herein provided, on the use or consumption in such state of motor fuel purchased in Alabama, to the extent of such payment to said other state, but in no case to exceed the rate of the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect.

(b) The Commissioner shall not allow such refund except after an audit of the applicant's records and shall audit the records as required. If the Commissioner shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a formal hearing on the application for a refund. Such hearing shall be held by the Commissioner after notice to the applicant of not less than ten days. Whenever any refund is ordered it shall be paid by warrant of the state comptroller out of the same funds to which disbursed as provided in Section 7 hereof, and there is hereby appropriated out of said funds so much thereof as may be necessary to make refunds from time to time.

Section 4. Refunds to motor carriers who give bond.—A motor carrier may give a surety company bond in an amount to be determined by the Commissioner but not in excess of fifteen thousand dollars payable to the State of Alabama and conditioned that the motor carrier will pay all taxes due and to become due under this Act from the date of the bond to the date when either the motor carrier or the surety company notifies the Commissioner that the bond has been cancelled. The surety shall be a corporation authorized to write surety bonds in Alabama. So long as the bond remains in force the Commissioner may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the motor carrier under Section 3 of this Act without first auditing the records of the motor carrier. The surety shall be liable for all omitted taxes assessed against the motor carrier including the penalties and interest provided in Section 14 of this Act even though the assessment is made after cancellation of the bond, but only for taxes due and payable while the bond was in force and penalties and interest on said taxes.

Section 5. Penalty for false statements.—Any person who willfully and knowingly makes a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this Act shall be guilty of a misdemeanor.

Section 6. Payment of tax.—The tax hereby imposed shall be paid by each motor carrier quarterly to the Commissioner on or before the last day of April, July, October and January of each year and calculated upon the amount of motor fuel used

in its operations within this State by each such motor carrier during the quarter ending with the last day of the preceding month.

Section 7. Disposition of proceeds of tax.—The proceeds of the tax hereby imposed shall be disbursed as follows: that portion thereof that is attributable to the use of motor fuel subject to the gasoline tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the gasoline tax; and that portion thereof that is attributable to the use of motor fuel subject to the Diesel fuel tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the Diesel fuel tax. The administrative cost of this Act, not to exceed \$165,000 for the fiscal year ending September 30, 1961 and not to exceed \$260,000 for each succeeding fiscal year, shall be provided to the State Department of Revenue, to be allotted and budgeted under Title 55 of the Code of Alabama, as amended, in addition to the regular appropriation to such Department.

Section 8. How amount of motor fuel used in State ascertained.—The amount of motor fuel used in the operations of any motor carrier within this State shall be such proportion of the total amount of such motor fuel used in its entire operations within and without this State as the total number of miles traveled within this State bears to the total number of miles traveled within and without this State.

Section 9. Reports of motor carriers.—Every motor carrier subject to the tax imposed by this Act shall on or before the last day of April, July, October and January of every year make to the Commissioner such reports of its operations during the quarter ending the last day of the preceding month as the Commissioner may require and such other reports from time to time as the Commissioner may deem necessary.

Section 10. Inspection of books and records.—The Commissioner and his authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any motor carrier subject to the tax hereby imposed. Records substantiating the operation of the motor carriers under this Act shall be kept within this State by the motor carriers for not less than three years; provided, that the Commissioner may permit such books and records to be kept without this State upon agreement by any motor carrier to defray reasonable travel expenses incurred in inspecting such books and records without the State, or to return the books to the State for such purposes.

Section 11. Cab card for motor vehicle.—The Commissioner shall provide a permanent cab card to every motor vehicle, as

defined herein, operated by a motor carrier, as defined in this Act, to be carried in the motor vehicle. The card shall remain the property of the State and may be recalled for any violation of the provisions of this Act or of the regulations promulgated thereunder. The Commissioner also shall provide by regulation for the registration of every such motor vehicle for a fee of one dollar each which registration shall be good until the motor vehicle is sold, transferred or destroyed. The proceeds of cab card fees attributable to motor vehicles using motor fuel subject to the gasoline tax shall be disbursed in the manner provided by law for the disbursement of the proceeds of the gasoline tax; and the proceeds of such cab card fees attributable to motor vehicles using motor fuel subject to the Diesel fuel tax shall be disbursed in the manner provided by law for the disbursement of the proceeds of the Diesel fuel tax. It shall be illegal for a motor carrier to operate or to cause to be operated in this State any motor vehicle as defined herein unless the motor vehicle carries the cab card required by this section; provided, however, the Commissioner by regulation may exempt from the requirement for carrying the said card such motor vehicles as urban and public transit motor vehicles or others if in his discretion they are clearly identifiable and the effective enforcement of this Act will not suffer thereby. In addition and for a period not exceeding ten days as to any one motor carrier the Commissioner by letter or telegram may authorize the operation of a motor vehicle or motor vehicles without the cab card required when the enforcement of this section for that period would cause undue delay and hardship in the operation of the said motor vehicle or motor vehicles.

Section 12. Sales without liability for tax on part of distributor.—The State Department of Revenue shall permit the sale of motor fuel without liability on the part of the distributor or storer for the gasoline tax or Diesel fuel tax as herein defined, when such motor fuel is sold to a motor carrier, as defined in this Act, for storage in bulk on such motor carrier's premises within the State of Alabama provided such motor carrier has given bond for such sum as the Commissioner may fix to secure the payment of the gasoline tax or Diesel fuel tax, as the case may be, said bond to guarantee the prompt payment of all such tax accruing and to include such other reasonable conditions as the Commissioner may require to the end that evasions of the tax hereby imposed may be prevented, it being the intent of this Act that the tax hereby imposed shall be imposed only where motor fuel is used in the operation of motor vehicles on the streets and highways of this State; provided, that the State Department of Revenue shall furnish to all distributors and storers who are bonded under the provisions of Section 670 of Title 51 of the Code of Alabama of 1940, as amended, a list of

the motor carriers who have furnished the bond herein provided for and changes therein that from time to time occur.

Section 13. Penalties.—Failure to comply with any rule or regulation issued by the Commissioner pursuant to the provisions of this Act, or the refusal or failure to file a report within the time prescribed pursuant to this Act, shall be deemed to be a violation thereof, and each such failure or violation shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$300.00. Each such violation shall constitute a separate offense.

Section 14. Rules and Regulations.—The Commissioner is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations, as herein before provided for and such other reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act, not in conflict with the specific provisions hereof, as he may deem advisable.

Section 15. Tax in addition to all other taxes.—The taxes imposed on motor carriers by this Act are in addition to any taxes of whatever character imposed on such motor carriers by any other provision of law.

Section 16. Nothing in this Act shall apply to any motor vehicle operated by or on behalf of any department, board, bureau, commission by county agency or taxing area or other agency of the federal government or of the State of Alabama or any political subdivision thereof, nor shall the provisions of this Act apply to any school bus operated by, for or on behalf of the State of Alabama, any political subdivision thereof, or any private or privately operated school or schools.

Section 17. All laws or parts of laws which are inconsistent or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby repealed.

Section 18. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 19. This Act shall take effect October 1, 1961, or immediately upon its enactment if enacted after that date.

Approved September 8, 1961
Time: 11:55 A.M.

Act No. 675 H. 1031—Brewer, Edwards, Sessions, Perry, Brannan, Dodd, Roberts, Self, Gilchrist, Rast, Lee, Turner, Morrow, Guthrie, Jones (Covington), Ferguson

AN ACT

To amend Section 26 of Title 46, Alabama Code of 1940, relating to the admission to the state bar of graduates of the law department of the University of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 26 of Title 46, Alabama Code of 1940, be and the same hereby is amended to read as follows:

Whenever the president and dean of the law department of the University of Alabama shall officially certify to the secretary of the board of commissioners that the university has conferred the degree of bachelor of law upon a graduate in that department, it shall be the duty of such secretary upon presentment within twelve months of such certificate to enter the name of such graduate upon the rolls of the state bar, and such graduate upon complying with the other terms of this article shall without further examination become a member of the state bar, with all the rights, duties and privileges of the other members thereof; provided, however, that the foregoing provision shall apply only to graduates of the law department of the University of Alabama who, having been students there on or before August 31, 1961, graduate therefrom on or before August 31, 1965, and to no others.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1961

Time: 11:57 A.M.

Act No. 676

H. 1229—Brannan.

AN ACT

To establish the position of official host and guide for Baldwin County at Fort Morgan; to prescribe his duties and provide for his compensation by Baldwin County; and to appoint Hatchett Chandler to such position.

WHEREAS, Baldwin County receives a substantial income from tourist trade;

WHEREAS, Fort Morgan, one of Alabama's most historic

spots, is one of the great tourist attractions of Baldwin County;

WHEREAS, Hatchett Chandler is widely acclaimed as an authority on the lore of Fort Morgan; and

WHEREAS, Baldwin County will greatly benefit by the continued employment of Hatchett Chandler at Fort Morgan; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission or county governing body of Baldwin County is hereby empowered, at its option, if and when the services of Hatchett Chandler with the Fort Morgan Historical Commission or the State are terminated, to appoint Mr. Chandler as official host and guide for Baldwin County at Fort Morgan. The county governing body shall prescribe a monthly salary for such official host and guide of not less than one hundred dollars (\$100) nor more than one hundred and ninety-five dollars (\$195). Such salary shall be paid from the general fund in the county treasury at the same time and in the same manner as the salaries of other county employees are paid. In addition to the compensation hereinabove prescribed Mr. Chandler shall be entitled to live in the house at Fort Morgan in which he is living when this Act becomes effective without the payment of any rent so long as he desires to occupy such house.

Section 2. Mr. Chandler shall be available at reasonable times to welcome visitors to Fort Morgan and he shall inform them of the many points of interest in and around the fort and give them such other information relative to Fort Morgan as they may desire. He shall make a quarterly report to the governing body of Baldwin County showing the number of visitors and tourists visiting Fort Morgan during each quarter. He shall perform such other duties as may be prescribed by the governing body of Baldwin County.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1961
Time: 12:17 P.M.

Act No. 677

H. 1340—Owens.

AN ACT

Relating to Crenshaw County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases where used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: "this State" means the State of Alabama; "Crenshaw County" means Crenshaw County in this State; "State Sales Tax Statutes" means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; "State Sales Tax" means the tax imposed by the State Sales Tax statutes; "State Use Tax statutes" means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 has been amended; "State Use Tax" means the tax imposed by the State Use Tax statutes; "registered seller" means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; "month" means a calendar month; "quarterly period" means the period of three months ending on the last day of each March, June, September, or December; "fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales

Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax statutes or in the State Use Tax statutes, as the case may be, except where the context herein clearly indicates a different meaning.

Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Crenshaw County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within Crenshaw County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

(b) Upon every person, firm or corporation engaged or continuing, within Crenshaw County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Crenshaw County, an amount equal to one per cent (1%) of the gross receipts of any such business;

(c) Upon every person, firm or corporation engaged or continuing within Crenshaw County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

(d) Upon every person, firm or corporation engaged or continuing, within Crenshaw County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

Provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on

(a) The storage, use or other consumption in Crenshaw County of tangible personal property purchased at retail, on or after the first day of October 1961, for storage, use or other consumption in Crenshaw County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Crenshaw County or in this State, except as provided in subsections (b) and (c) of this section;

(b) The storage, use or other consumption in Crenshaw County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of October 1961, for storage, use or other consumption in Crenshaw County, at the rate of

one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such machine, parts, attachments, or replacements; and

(c) The storage, use or other consumption in Crenshaw County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of October 1961, for storage, use or other consumption in Crenshaw County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

Provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Crenshaw County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to section 5 of this act, to the purchaser of any property to be used, stored or consumed in Crenshaw County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Due Dates and Payment of, and Reports Respecting, the Taxes herein Levied. All taxes levied in this act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the State Sales Tax and the State Use Tax. On or prior to the due dates of the taxes herein levied each person subject to said taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said reports shall include also such other items of information pertinent to the said taxes and the amount

thereof as the State Department of Revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of Crenshaw County, or its designated agent, at reasonable times during business hours.

Section 5. Collection, Payment and Report by Registered Sellers of Tax Levied in Section 3 hereof. Every registered seller regularly and continually making sales of tangible personal property for storage, use or other consumption in Crenshaw County (which storage, use or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sales or, if the storage, use or other consumption of such tangible personal property in Crenshaw County is not then taxable under this act, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the tax imposed by Section 3 of this act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period covered by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in Crenshaw County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use or other consumption of which is subject to the tax imposed by Section 3 of this act and who has not paid the tax due with respect thereto to a registered

seller, shall report and pay the tax as required by Section 4 hereof.

Section 6. Tax to be Passed on to Purchaser, User or Consumer. Each person engaging or continuing within Crenshaw County in a business subject to the taxes levied in Section 2 of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. Enforcement and Collection of Taxes herein Levied; Taxes Constitute a Lien on Property of Persons from whom Due. The taxes imposed by this act shall constitute a debt due Crenshaw County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this State which apply to the enforcement of liens for license taxes due this State shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of Crenshaw County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this State or the department has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it

deems necessary and proper from the proceeds of the taxes collected by it for Crenshaw County.

Section 8. Adoption by Reference of State Sales Tax Statutes and State Use Tax Statutes, where Applicable. All provisions of the State Sales Tax statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Sales Tax statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the State Use Tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Use Tax statutes, the promulgation of rules and regulations with respect to the State Use Tax, and the administration and enforcement of the State Use Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The State Commissioner of Revenue and the State Department of Revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the State Sales Tax statutes and the State Use Tax statutes. All provisions of the State Sales Tax statutes and the State Use Tax statutes that are made applicable in this act to the taxes herein levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Discounts allowed Retailers and Registered Sellers. Each person subject to the license tax provided for in Section 2 hereof shall be allowed and may retain, out of the taxes levied by said Section 2 and payable by such retailer, a discount equal to two per cent (2%) thereof. Each registered seller shall be allowed and may retain, out of the taxes herein required to be collected by such registered seller, a discount equal to three per cent (3%) thereof.

Section 10. Disposition of Revenues from Taxes herein Levied. The State Department of Revenue shall charge Crenshaw County for collecting the special county taxes levied an amount not to exceed ten per cent of the amount collected. Such charge for collecting the special taxes for the county may be deducted

each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Crenshaw County for that month. The Commissioner of Revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the Department of Revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Crenshaw County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of Crenshaw County in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county. The **custodian of public funds for Crenshaw County** shall deposit the revenue derived from the taxes levied herein in a special discount separate and apart from other county funds, and shall maintain separate records of such special account. The net revenue derived by Crenshaw County from the taxes levied in this act shall be paid over to the county board of education and shall be used exclusively for public school purposes within the county.

Section 11. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 12. Effective Date of Act. This act shall become effective October 1, 1961.

Approved September 8, 1961
Time: 12:20 P.M.

Act No. 678

H. 1364—Engel.

AN ACT

Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation

thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a population of not less than 300,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. DEFINITIONS. — As used in this Act, unless the context otherwise requires, the term:

(a) “Barber” shall mean any person licensed under the provisions of this Act to do the work of a barber.

(b) “Barber shop trade” includes shaving and trimming the beard, cutting and dressing the hair, massaging the face and head, giving facial and scalp massage or application of oils, creams, lotions, or other preparations, either by hand or by mechanical appliances, singeing, shampooing or dyeing the hair or applying hair tonic, applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face or neck, and rendering kindred personal services for compensation, provided, however, that such practices when done for the treatment of physical or mental ailments or diseases shall not constitute barbering.

(c) “Barber Shop” means without limitation any establishment having as its primary purpose the rendering for compensation of the several services constituting the barber shop trade.

(d) “Barber School” means without limitation any establishment rendering for compensation the several services constituting the barber shop trade, but having for its primary purpose the teaching, for tuition fees, of the theories and practices of such services.

(e) “Student” shall mean any person attending barber school for the purpose of learning the theories and practice of the barber shop trade and who receive no compensation for so doing.

(f) “Apprentice” shall mean any person practicing in a barber or haircutting shop to acquire the skill of a barber or haircutter after having completed the requirements of a student, under the provisions of this Act.

(g) “Teacher” or “Instructor” shall mean any person who instructs or attempts to instruct another in the science, arts and skills of a barber or haircutter.

(h) "Board" or "The Board" or "Barbers' Commission" shall mean the Board of Board Commissioners created by this Act.

(i) In this Act, words used in the masculine gender include the feminine and neuter genders, and words used in the neuter gender include the masculine and feminine genders.

Section 3. COUNTY BOARD OF BARBER COMMISSIONERS — There is hereby created in each county coming under the provisions of this Act a Barbers' Commission for the County of _____, State of Alabama. The Governor shall appoint three persons, each of whom, immediately prior to the date of his appointment, has been a resident of such county for the past three years, and who has had at least five years experience as a barber; one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years; provided, however, in all counties to which this Act applies which have in existence at the time of the passage of this Act, a Barbers' Commission, the members of said Commission then serving as such Barbers' Commission shall constitute the initial Board of Barbers' Commissioners of such county and they shall continue in office until the expiration of their respective terms or unless sooner disqualified; thereafter the term of any member appointed and qualified to succeed the members of the Barbers' Commission of such county first appointed shall be for three years and until their successors are appointed and qualified. Vacancies shall be filled in the following manner: The Commission shall, sixty (60) days prior to the expiration of the term of any commissioner of the Barbers' Commission for such county, give notice in writing to the licensed barbers of such county that there will be a vacancy on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term, the Barbers' Commission shall within thirty (30) days after such vacancy occurs, give notice to the licensed barbers of such county of the existence of such vacancy. In this event said barbers will be requested to nominate three barbers to fill each vacancy thus occasioned; and to that end a ballot shall be prepared and enclosed along with the letter notifying the barbers of the vacancy or vacancies; the said ballot reading as follows: "I hereby nominate for appointment by the Governor of the State of Alabama to the Board of Barber Commissioners for _____ County, the following named persons: _____."

The ballots shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded the licensed barber entitled to vote. In addition to the ballot, the Barbers' Commission shall forward the licensed barber an envelope addressed to the Barbers' Commission and properly stamped with United States postage. When the ballots are returned they shall be opened on a day designated in the notification, in the presence of the Barbers' Commission then serving, and the ballots shall be counted and the names of the three barbers who shall receive the greatest number of votes shall be selected as the three nominees. The Barbers' Commission shall then certify to the Governor of the State of Alabama the names of the three barbers receiving the highest number of votes, and the Governor shall appoint one of those three persons thus designated to fill the vacancy. If more than one vacancy exists at any time, there shall be nominated in the manner above designated and certified to the Governor three nominees for each such vacancy so that if there be one vacancy there shall be three nominees, if there be two vacancies there shall be six nominees, and if there be three vacancies, there shall be nine nominees, certified to the Governor of Alabama, who shall select for appointment one nominee from each group thus nominated. The Commission, immediately upon the qualification of the member appointed each year, shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. The members of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of Fifteen Dollars (\$15.00) per day and his actual and necessary expenses thereby incurred. The Commission shall appoint and at its pleasure discharge a Secretary-Treasurer and such assistants as may be deemed necessary to discharge and faithfully carry out the duties imposed by the provisions of this Act. The individual so appointed shall be required to enter into a bond to be approved by the Commission in the sum of not less than Ten Thousand Dollars (\$10,000.00), conditioned to pay any shortage or loss of funds on hand by said Secretary-Treasurer during his term of office, or at the time that he is holding office. Said Commission shall outline the duties and fix the compensation of the Secretary-Treasurer. The Commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out the provisions of this Act. The principal office of said Commission shall be located in the county seat of such county, provided, however, that upon the request of said Commission, the County Commissioners of such county shall furnish an office in the

Courthouse without charge. The Commission shall adopt a seal with such design engraved thereon as it may prescribe, by which it shall authenticate its proceedings. In addition thereto, the Board is empowered to make reasonable inspection of the barbers and the barber shops and barber schools and barber colleges of such county to the end that proper methods of sanitation and sterilization are observed. Copies of all records and papers in the office of the Barbers' Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All the records kept in the office of the Board and under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Board under the provisions of this Act, shall be paid into the Treasurer of the Commission; said funds shall be used and kept exclusively in the hands of the Treasurer of this Commission, and shall be used for purposes not inconsistent with this Act, under the directions of the Commission. Funds may be disbursed by order of the Board on a check being drawn by the Treasurer upon such funds, as may be on hand, and approved by the Chairman of the Board for the purpose of paying all of the expenses incurred by the Board, including the compensation of members of the Board and its employees, provided the total expenses for every purpose incurred shall not exceed total fees and charges collected and paid in to the Treasurer.

Section 4. PROMULGATION OF RULES AND REGULATIONS —

(a) The Board shall have authority to make reasonable rules for the administration of the provisions of this Act. Copies of all rules adopted by said Board shall be furnished to each barber and each barber school or college.

(b) No rule may be adopted or amended at the same meeting at which it is proposed.

(c) All rules adopted hereunder shall have the same force and effect of law unless set aside by a court of competent jurisdiction or repealed by said Board.

Section 5. APPRENTICE QUALIFICATIONS —

(a) Any person shall be qualified to receive a license as an apprentice barber provided:

1. He is at least sixteen and one-half (16½) years of age and is of good moral character and temperate habits; and

2. He has graduated from an approved school or college of barbering, which school has been approved or licensed under the provisions of this Act; and

3. He passes a satisfactory examination conducted by the Barbers' Commission to determine his fitness to practice as an apprentice; and

4. He has an 8th grade education or equivalent thereof; and

5. He has obtained a medical certificate as required by this Act; and

6. He has paid the required fee specified by this Act.

(b) An applicant for a license who fails to satisfactorily complete an examination conducted by the Commission may apply for re-examination at any future meeting of the Commission. Upon making application therefor and payment of the required fee, said applicant shall be permitted to again take said examination.

(c) No apprentice may independently practice barbering, but he may, as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a licensed barber.

Section 6. BARBER QUALIFICATIONS — Any person having made application for a barber license shall be qualified to receive such license to practice as a barber provided:

(a) He is qualified under the provisions of Section 5 of this Act; and

(b) He has practiced as an apprentice barber for a period of eighteen (18) months on a full time basis under the immediate personal supervision of a licensed barber; and

(c) He has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering; and

(d) He has paid the required fee specified in this Act.

Section 7. APPLICATION OF NON-RESIDENT BARBERS OR APPRENTICES —

(a) Any person who is at least eighteen years of age and of good moral character and temperate habits, who has a license as a practicing barber from another State or County having substantially the same requirements for licensing barbers as are required by this Act, or who can prove by sworn affidavits that he has practiced as a barber in another State

for at least five years prior to making application in such county, shall, upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a license to practice as a barber. Should he fail to pass the examination, he may, within three months, file a new application, accompanied by the required fee, and take another examination. In no event shall he be permitted to practice barbering until such time as he has passed an examination and complied with all applicable provisions of this Act, and has received a license as a barber.

(b) Any apprentice barber who is at least sixteen and one-half ($16\frac{1}{2}$) years of age and of good moral character and temperate habits and has a license as an apprentice in another State or County which has substantially the same requirements for licensing an apprentice as is provided in this Act, or who can prove by sworn affidavits that he has practiced in another County or State for at least six months prior to making application in this State, shall upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a license as an apprentice. Should he pass the required examination, and have complied with all other applicable provisions of this Act, a license as an apprentice shall be issued to him. In this event the time spent in such other State or County as an apprentice shall be credited upon the period of apprenticeship required by this Act, toward qualifying for the examination to determine his fitness to receive a license as a barber.

Section 8. HOW TO MAKE APPLICATION FOR LICENSE:

Any person desiring to practice barbering, or desiring to practice as an apprentice barber, shall file with the Secretary of the Board a written application, under oath, on a form prescribed by the Board, together with two photographs of the applicant, 2x3 inches in size, and satisfactory proof that applicant is of good moral character and also furnish the Board with a certificate issued by the County Health Department from a practicing medical physician of such county showing that applicant is free from any contagious, infectious or communicable disease, including gonorrhea, syphilis and tuberculosis.

Section 9. EXAMINATIONS —

(a) The Board shall conduct examinations for applicants for licenses to practice as barbers and as apprentices at least four times each year, at such times and places as the Board

shall determine. Such examination shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools and colleges of barbering approved by the Board. Licenses to barbers or apprentices shall be issued by the Board to any applicant who shall have passed the examination therefor, by making an average grade of not less than 70% and who shall possess the other qualifications required by this Act.

(b) Whenever the Board shall be requested to give a special examination, the applicants taking such examination shall pay an additional fee of \$25.00.

Section 10. BARBER SHOP OPERATOR QUALIFICATIONS — A person shall be qualified to receive a barber shop operator's license provided:

(a) He holds a barber's license; and

(b) He is in compliance with the other applicable provisions of this Act.

Section 11. PERSONS ENTITLED TO LICENSE WITHOUT INITIAL EXAMINATION — Any present resident of the county to which this Act applies, who holds a license as a barber or apprentice, or any barber school or college in operation at the time of the passage of this Act shall automatically be granted a license without an examination by making application to the Commission on or before the 1st day of January, 1962, and upon paying the annual renewal fee specified herein for barbers, apprentices, and barber schools or colleges, provided that such applicant has been issued a medical certificate as required herein.

Section 12. PERSONS, FIRMS OR CORPORATIONS TO WHICH THIS ACT IS NOT APPLICABLE — The following are exempted from the provisions of this Act:

(a) Persons licensed by law of this State to practice medicine, surgery, osteopathy, or chiropractry.

(b) Commissioned medical or surgical officers of the United States Army, Air Force, Navy or Marine hospital service.

(c) Registered nurses.

(d) Hairdressers and beauty culturists, insofar as their usual and ordinary vocation and profession is concerned, including light hair trimming incidental to waving of all kinds.

(e) Undertakers and morticians.

(f) All barber schools and colleges and instructors employed therein by the state or county department of education.

Section 13. **DISPLAY OF CERTIFICATE** — Every holder of a license shall display it in a conspicuous place in his place of business.

Section 14. **FEES** — The Board of Barber Commissioners shall charge and collect the following fees:

(a) The original as well as any subsequent examination fee for barber or apprentice shall be \$15.00 per examination. Any such fee shall also include the cost of the issuance of any such barber or apprentice license which may thereafter be issued.

(b) For the annual renewal of a barber or apprentice license, a fee of \$10.00 shall be charged.

(c) For restoration of an expired barber or apprentice license, a fee of \$15.00 shall be charged. Upon the payment of such fee such license shall be restored without examination provided application is made therefor, within a period of two years from the date of the expiration of any such license

(d) For the application and issuance of a new barber shop operator's license a fee of \$50.00 shall be charged.

(e) For the annual renewal of a barber shop operating license a fee of \$5.00 shall be charged.

(f) For the application and examination of teacher applicant and issuance of a teaching certificate or license a fee of \$50.00 shall be charged.

(g) For the annual renewal of a teacher's certificate or license a fee of \$25.00 shall be charged.

(h) All licenses required under this Act shall be renewed annually on or before January 1.

(i) A duplicate license will be issued upon the filing of a statement covering the loss of such license, verified by the oath of the applicant, and accompanied by the payment of a fee of \$10.00 for the issuance of same. Each duplicate license shall have the word "Duplicate" stamped across the face thereof and will bear the same number as the originally issued license.

Section 15. **EXEMPTIONS PERTAINING TO PERSONS IN ARMED FORCES** — Any person who, after the passage of this Act, and approval by the Governor, or upon its otherwise becoming a law, shall enter the active military or naval

service of the United States, or of this State, and who, at the time of such entry, was the holder of a license as a barber, or apprentice, and which license was then in full force and effect, shall be granted a like license upon presentation to such Board of Barber Commissioners of an Honorable discharge from such military or naval service, dated not more than one year prior to the time of such presentation, and a medical certificate as required under the provisions of this Act, attesting that the person presenting it is free from any contagious or infectious or communicable disease, which certificate shall be dated not more than 30 days prior to the time of such presentation, and provided further such person shall pay a fee of \$10.00 for the issuance of such license as required by this Act.

SECTION 16. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO ISSUE A RENEWED LICENSE — The Board is hereby vested with the power and authority to refuse to issue or renew as well as the power to suspend or revoke any license for any one or a combination of the following causes:

- (a) Conviction of a felony.
- (b) Malpractice or incompetency.
- (c) When applicant barber or apprentice barber is, or becomes, afflicted with an infectious or communicable disease.
- (d) Advertising by false or deceptive means.
- (e) Advertising, practicing or attempting to practice under another's trade name or under another's name.
- (f) Habitual drunkenness or habitual addiction to use of morphine, cocaine, or other habit forming drugs.
- (g) The violation of any of the sanitary regulations promulgated by either the Barbers' Commission or the Alabama State Department of Health for the regulation of barber shops and barber schools or colleges.
- (h) Conviction of a violation of any City Ordinance or County or State law pertaining to the regulation of barber shops or barber schools or colleges.

Section 17. HEARINGS

No action in refusing to issue or renew or in suspending or revoking a license for any of the causes enumerated in the foregoing Section shall be taken until the accused has been furnished with a statement of the specific charges against him

and notice of the time and place of hearing thereof. The accused may be present at the hearing in person and may be represented by counsel if he so desires. Statement of the charges and notice thereof must be served personally upon such person, or mailed to his last known address at least ten (10) days prior to the hearing. If upon such hearing the Board finds the charges to be true, it may refuse to issue or renew a license or may revoke or suspend such license if the same has been issued.

It shall be the duty of the Board to subpoena witnesses other than character witnesses, for or against the accused upon written request and affidavit that their testimony is necessary, and the production of relevant books and papers may be also procured by subpoena.

A public hearing shall be ordered after not less than ten (10) days written notice to the parties at interest. The Board shall not be bound by the technical rules of evidence but shall seek diligently all of the information and evidence bearing on the merits of the case.

Within ten days after the conclusion of the hearing, the Board shall render its decision in writing. Copies of the decision shall be delivered to all parties at interest.

The Board may require that testimony introduced at hearings be recorded by a court reporter, but same shall not be transcribed except upon further order.

Any person aggrieved by the decision or ruling of the Board, as provided for in the preceding Section, may appeal from such action to the Circuit Court of such county within ten days after such final determination of the Board, by filing written notice thereof with the Board. Upon any such appeal a trial shall be de novo.

Section 18. BARBER SCHOOL PREREQUISITES —

(a) An application for a license and approval as a registered school or college of barbering shall contain, under oath, the following:

1. The full name of the applicant.
2. The residence of the applicant, and if an Association or corporation, the same information of the members of the association and of the stockholders and directors of the corporation.
3. The exact location where the school or college is located or proposed to be located.

4. Whether or not the school or college is owned or leased, and if leased, the name and residence of the owner, or if an Association or corporation, the same information of the members of the Association and of the directors and stockholders thereof.

5. Evidence that a bond in the amount of \$25,000.00 has been filed with the State Treasurer and made payable to the State of Alabama, conditioned upon the faithful compliance of the barbering school or college with all the provisions of this Act.

(b) No private school or college of barbering which does not come within the jurisdiction of the Alabama State Board of Education shall be approved by the Commission and no license shall be issued to operate or conduct any such school or college of barbering unless and until such school or college shall have complied with all of the required provisions of this Act.

(c) No person, firm or corporation may be licensed to operate or conduct said barber school or college in such county unless the owner be a citizen of the United States and a qualified elector of Alabama, and if a corporation, the officers thereof shall be so qualified, and unless each person who is directly connected with the instructional program shall have had at least four years of continuous experience as a licensed barber in such county; that all of such teachers are citizens of the United States and have been resident citizens of such county for at least four years; provided, however, any licensed barber may be hired to assist in giving practical instruction in any barber school or college.

(d) Upon receipt of application for registration or license for a privately owned and operated barber school or college not coming within the jurisdiction of the Alabama State Department of Education, said Commission shall make investigation of the applicant, the qualifications of the teachers of the school or college and the equipment, appliances and sanitary facilities thereof and determine whether the course of study maintained by such school or college, practical and otherwise, is designed to equip students with sufficient knowledge of barbering so that they may pursue the same in such county, in accordance with the provisions of this Act, Alabama Statutes, and the rules and regulations prescribed by such County Barber Board, and if, upon such investigation, the Board finds that such applicant meets the requirements of law, and that said school or college has adopted a curriculum approved by the Board, a barbering school or college license shall be issued

to said applicant upon the payment of a fee of \$500.00. Unless otherwise disqualified, a school or college license may be renewed each year thereafter by the payment of a license fee of \$50.00. All such licenses shall be renewed on or before January 1 of each year. Any school or college failing to renew its license on or before January 1 of each year, may renew said license, if otherwise qualified, by paying a renewal fee, plus a penalty of \$10.00 per month for each month or part thereof that said license is delinquent, provided that no such license can be thus renewed after twelve months delinquency.

(e) Every licensed barber school or college where students are instructed shall display a sign at each entrance to the school in at least six-inch lettering, stating that all work in said school or college is done by students.

(f) Any licensed school or college which may register a student, or students, shall immediately certify all such students to the Board for a qualified certificate. The school or college shall submit names, addresses, a doctor's certificate certifying each such student is free from any contagious disease, educational record showing the applicant to have graduated from the 8th grade or its equivalent as determined by the State Department of Education, and any other information which the Board may deem necessary. Each application shall be accompanied by a student's registration fee of \$2.00, upon receipt of which, if the student is found to be qualified, the Board shall issue a qualified student certificate.

(g) Every licensed barber school or college shall have not less than one instructor for every twenty students at such school or college.

Section 19. MISCELLANEOUS PROVISIONS —

(a) Nothing contained in this Act shall be construed to prevent the Department of Health of the State of Alabama or any local Board of Health or other board or body, exercising the powers of such local boards, from enacting and enforcing ordinances, codes, rules and regulations pertaining to sanitation in barber shops, in excess of the provisions of this Act, for which authority they have been or may be granted by law.

(b) No owner or manager of a barber shop or barber college shall employ any person as a maid or porter unless said person has on file a health certificate signed by a licensed practicing physician stating that said employee is free from any communicable or contagious disease or from a venereal disease.

Section 20. SEVERABILITY —

The Sections of this Act and the parts of each Section are hereby declared to be independent parts of Sections, and the holding of any Section or part thereof to be void, ineffective, or unconstitutional for any cause, shall not affect the other sections or parts thereof, and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional, inoperative or ineffective.

Section 21. REPEALING CLAUSE —

All laws or parts of laws inconsistent or in conflict with this Act are hereby expressly repealed, it being the legislative intent that the terms of this Act shall be fully effective and all laws or parts of laws heretofore enacted to the contrary, notwithstanding.

Section 22. EFFECTIVE DATE OF ACT BECOMING LAW —

This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 8, 1961

Time: 12:25 P.M.

Act. No. 679

H. 1377—Brewer, Gilchrist

AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for the violation of the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect it shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such without a license issued by the Barbers' Commission of Morgan County. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, who actively engages in the barber business, barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm,

partnership, co-partnership, association or corporation, who, for a valuable consideration or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

Section 3. There is hereby created a Barbers' Commission for Morgan County, State of Alabama. The Governor shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of Morgan County, State of Alabama, for three years and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and thereafter the term of any member appointed and qualified to succeed the members of the Barbers' Commission for Morgan County first appointed shall be for three years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term of any person appointed shall be selected in the manner following: The Commission shall, sixty days prior to the expiration of the term of any commissioner or the Chairman of the Barbers' Commission for Morgan County, give notice in writing to the licensed barbers of Morgan County that such vacancy will be created on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term the Barbers' Commission for Morgan County shall within thirty days after such vacancy is created give notice to the licensed barbers of Morgan County of such vacancy, calling upon the said barbers to suggest to the Barbers' Commission for Morgan County the names of three barbers to fill the vacancy or vacancies thus occasioned; to that end a ballot shall be prepared and enclosed in the letter notifying the barbers of the vacancy or vacancies thus created, the said ballot reading: "I hereby nominate for appointment by the Governor of the State of Alabama to the Barbers' Commission for Morgan County, Alabama, one of the following named three persons:
 The ballots

shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded the licensed barber entitled to vote and in addition to the ballot the Barbers Commission for Morgan County shall forward the licensed barber an envelope addressed to the Barbers' Commission for Morgan County and properly stamped with postage of the United States Government. When the ballots are returned to the Barbers' Commission for Morgan County they shall be opened on a day designated in the notification forwarded the duly licensed barbers of Morgan County in the presence of the commissioners of the Barbers' Commission for Morgan County then serving, and the ballots shall be counted, and the names of the three barbers who shall receive the greatest number of votes shall be selected as the three nominees of the Barbers' Commission for Morgan County and the Barbers' Commission for Morgan County shall then certify to the Governor of the State of Alabama the names of the three barbers receiving the highest number of votes, and the Governor shall appoint one of the three persons thus designated to fill the vacancy created. If more than one vacancy exists at any time there shall be nominated in the manner hereinabove designated and certified to the Governor three nominees for each such vacancy so that if there be one vacancy there shall be three nominees, if there be two vacancies there shall be six nominees, and if there be three vacancies there shall be nine nominees certified to the Governor of Alabama, who shall select for appointment one nominee from each group thus nominated. The Commission immediately upon the qualification of the member appointed each year shall organize by selecting from its members a Chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of ten dollars per day and his actual and necessary expenses thereby incurred. The Commission shall appoint and at its pleasure discharge, a secretary-treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act: The Treasurer so appointed shall be required to enter into a bond to be approved by the Commission in the sum of not less than One Thousand Dollars (\$1,000.00) conditioned to pay any shortage or loss of funds on hand by said Treasurer during his term of office or at the time that he is holding office. Said Commission shall outline the duties and fix the compensation of the Treasurer. The Commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this Act. The principal office of said Commission shall be located in the City of Decatur. The Commission shall adopt a seal with such design as it may prescribe, engraved thereon, by which it shall authenticate its proceedings. The Commission

shall make appropriate rules and regulations for the administration of the office of the Commission and for the purpose of carrying out the provisions of this Act. In addition thereto, the Commission is empowered to make reasonable inspection of the barbers and barber shops of Morgan County to the end that they observe proper methods of sanitation and sterilization in and about the conduct of their business. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act, shall be paid into the Treasury of the Commission; said funds shall be used and kept exclusively in the hands of the Treasurer of this Commission, and shall be used under the direction of the Commission, not inconsistent with this Act. Funds may be disbursed by an order of the Commission on a check being drawn by the Treasurer against such funds, as may be on hand, and approved by the Chairman of the Board for the purpose of paying all expenses incurred by the Commission, including the compensation of members and their employees and their assistants and the Treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the Treasury of this Commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said Commission and shall be retained by the said Commission and may be deposited in any bank on Savings Account or otherwise.

Section 4. A barber's college or school, before it shall be issued a license by the Barbers' Commission, must comply with the requirements and standards as follows:

a. Require as a prerequisite to admission, a diploma or other proof of graduation from a grammar school, or satisfactory completion of an examination devised or approved by the Commission, showing knowledge equal to such education.

b. Require as a prerequisite to graduation, satisfactory completion of a course of instruction of not less one thousand (1,000) hours, to be completed over a period of not less than nine months of continuous instruction of not more than eighs hours in any one day.

c. Such course of instruction shall include the following, or like and equal, subjects: scientific fundamentals of barbering; hygienic bacteriology; histology of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin

and hair; massaging and manipulating the muscles of the scalp, face, and neck; and haircutting, shaving, and bleaching and dyeing of the hair.

In order to receive a license as an apprentice barber an applicant must meet the following requirements:

- a. He must have graduated from a barber's school or college that is approved by the Commission.
- b. Be seventeen years of age, or older.
- c. Be of good moral character and temperate habits.
- d. Pass an examination conducted by the Commission to determine his fitness to practice as an apprentice barber.
- e. Meet all the other requirements of this Act as it applies to apprentice barbers.

In order to receive a license as a barber an applicant must meet the following requirements:

- a. He must be a licensed apprentice barber and have practiced as such under the immediate personal supervision of a licensed barber for a period of not less than twelve months.
- b. Be eighteen (18) years of age, or older.
- c. Be of good moral character and temperate habits.
- d. Pass an examination conducted by the Commission to determine his fitness to practice barbering, such examination to include factors to determine the applicants general educational level as well as his knowledge and skill of barbering. The examination shall be conducted with a view of determining whether the applicant has general knowledge equal to an elementary school education or its equivalent, whether he has a thorough knowledge of the subjects required to be taught in barber's school or college, and in examining him as to his knowledge of barbering he shall be taken to a barbers chair in a barber shop where barbers licensed under this Act are practicing barbering and given an examination that will determine his skill as a barber, by requiring him to perform any act or acts of barbering and to name any of the instruments and their parts which are used in a barber shop.
- e. Meet all the other requirements of this Act as it applies to a barber.

A barber's license shall be issued without examination by the Commission to any person who, for two years immediately preceding the effective date of this Act, has been continuously engaged in the practice of barbering at one or more established places of business in Morgan County, provided he shall make

application before the expiration of three years after the effective date of this Act, which application shall be accompanied by the recommendations of at least two licensed barbers doing business in Morgan County, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation and qualified to practice barbering.

A licensed apprentice barber shall not independently practice barbering, but may do any and all acts constituting the practice of barbering under the immediate personal supervision of a licensed barber.

Section 5. Words used in the masculine gender in this Act include the feminine gender.

Every applicant for a barber's license, apprentice barber's license, or for a license to operate a barber shop, barber college or other like business shall apply therefor in writing on blanks prepared and furnished by the Commission. Such application shall be accompanied by the recommendation of at least two licensed barbers doing business in Morgan County, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted him. The application shall be accompanied by a doctor's certificate certifying that the applicant has no communicable, contagious, or infectious disease.

An applicant for any license provided for under this Act who is refused such license shall be so notified in writing, along with the reason or reasons therefor, such notice to be personally delivered to the applicant or sent to his last known address by registered mail.

An applicant for a license who fails to satisfactorily complete an examination conducted by the Commission may apply for re-examination at any future meeting of the Commission.

When an applicant shall pass the examination and meet the other requirements provided for in this Act the Commission shall issue a license, the form and contents to be prescribed by the Commission, showing the Seal of the Commission and the signatures of the Commissioners. This license shall be publicly displayed in the place of business where the licensee works or operates. The Commission shall also issue to each licensee a pocket card on which shall be imprinted the Seal of the Commission and certifying that the person whose name appears thereon is a licensed barber, apprentice barber, or operator of one of the businesses named herein.

The original and annual renewal fee for each apprentice barber's and barber's license shall be ten dollars (\$10.00). The

original and any subsequent examination fee for apprentice barber or barber shall be fifteen dollars (\$15.00). The original and annual renewal fee for operating a barber college or school shall be one thousand dollars (\$1,000.00).

Any licensed barber or apprentice barber who retires from the practice of barbering and fails to keep his license renewed, may, for a period of two years after the expiration date of his last license, renew his license upon payment of a restoration fee of ten dollars (\$10.00) in addition to the license fee, and by furnishing the proper health certificate and meeting the other requirements of this Act; provided, that he need not take another examination unless more than two years has elapsed.

Every license shall expire on the thirty-first day of December of each year. A licensee whose license has expired, may, within thirty (30) days thereafter, have his license renewed upon making a satisfactory showing to the Commission, supported by his personal affidavit, which, in the opinion of the Commission will excuse the applicant for having failed to renew his license within the time required by this Act.

The Commission shall issue a new license to each applicant for the ensuing year, in the absence of any reason or condition that might warrant the refusal of granting the license, upon the receipt of the written request of the applicant, accompanied by the annual fee therefor and the proper physicians certificate.

The Commission may upon its own motion, and shall upon the written complaint of any three persons making out a prima facie case, investigate the actions of any licensee, and shall have the power to suspend or revoke any license issued under the provisions of this Act where the licensee has fraudulently obtained his license, or where the licensee is guilty of the violation of any state, county, or city statute or ordinance pertaining to barbering or the operation of a business affected hereby, the violation of any provision of this Act, or the violation of any rule or regulation established by the Commission.

The Commission shall, before denying an application for a license, or before suspending or revoking any license, set the matter down for hearing, and at least ten days prior to the date set for the hearing notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of hearing. Such notice shall be personally delivered to the applicant or licensee or by mailing the same by registered mail to the last known address of such applicant or licensee. At all hearings the applicant or licensee shall have the opportunity to be heard in person or by counsel or both and shall have the right of attendance of witnesses in his behalf. In the preparation and conduct of the hearings, the Commission

shall have the power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the Commission may issue subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of the State in civil cases. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the Commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished as provided by law. If the Commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same shall be revoked as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of Morgan County, provided an appeal is taken within ten days after such final determination of the Commission. Any person desiring to appeal under this section shall file with the Commission or some member thereof, a notice in writing that he appeals to the Circuit Court with at least one solvent surety payable to the County of Morgan, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the Circuit Court of Morgan County, and any cause so appealed shall be tried de novo in said Circuit Court. In any of the aforesaid Commission hearings or court cases the Commission shall be represented by the County or Circuit Solicitor.

The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or apprentice barbers, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said Commission not inconsistent with this Act. Said examination to be conducted in the city, town, or village where the principal office of the Commission is located.

Section 6. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to

exceed six months or by both fine and imprisonment in the discretion of the Court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this Act. Any court of competent jurisdiction in said county shall have full power to try any violation of this Act, and upon conviction the Court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the Commissioners herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, subsection, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements to be declared unconstitutional.

Section 8. All laws, or parts of laws, in conflict with this Act be, and the same are hereby repealed.

Section 9. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges or other like businesses.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1961
Time: 12:31 P.M.

Act No. 680 H. 1461—Morrow, Locke, Edwards, Hawkins,
Rast, Perry, Sessions.

AN ACT

To further amend Act 661 House Bill 978 approved September 4, 1951 which was amended by Act #17 of the Legislature during the second extra session in 1956 as reported in Acts of the said session at Page 276 and approved March 16, 1956 which act and amendment thereto defines and regulates the issuance of license of barbers,

barbershops, barber colleges and other like business and establishes a barber commission in all counties in the State having a population of 400,000 or more according to the last and any subsequent federal census and establishing an inspector, grant powers to the barber commission to make rules and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 661 House Bill 978 approved September 4, 1951 as amended by Act #17 House Bill 51 in the second extra session of 1956 and approved March 16, 1956 entitled "An act to define, regulate and license barbers, barber apprentices, barbershops, barber colleges, and other like businesses in counties of the State of Alabama having a population of 400,000 or over according to the last or any subsequent federal census; to create a barber commission for such counties and define the powers and duties of said barber commission, and to provide for an inspector and other employees, and for the disposition of money collected under this act and to provide a penalty for the violation of the provisions hereof." is hereby amended to read as follows: "An act to define, regulate and license barbers, barber apprentices, barber-shops and barber colleges and other like vocations and businesses in counties of the State of Alabama having a population of 400,000 or over according to the last or any subsequent federal census; to create a barber commission for said counties and define the powers AND duties of said barber commission, to give the commission certain powers to make reasonable rules and regulations, to provide for inspectors and other employees, and for the disposition of money collected under this act and to provide penalties for the violation of the provisions hereof including the printed rules and regulations adopted by the barber commission under authority of this act."

Section 2. Section One of said Act No. 661 House Bill 978 approved September 4, 1951 being Section Two of the amended Act #17 in second Extra session of 1956 shown on Page 276 thereof and approved March 16, 1956 be and same is hereby amended to read as follows: Section One. Unlawful to operate without license or to violate the provisions of this Act. It shall be unlawful for any person, partnership, association or corporation to act as a barber, a barber teacher, an apprentice barber, a scalp specialist, house barber, or to operate a barber college, barbershop, or other like business, or to advertise or assume to act as such in any county within this State having a population of 400,000 or more according to the last or any subsequent federal decennial census, without first having obtained a license issued by the barber commission of the county wherein such act is done or sought to be done. No partnership, association or corporation shall be granted a li-

cense unless every member or officer of such partnership, association or corporation, who actively engages in the barber business, barber college, or like business of such partnership, association or corporation, shall hold a license as a barber, issued pursuant to this act. It shall also be unlawful for anyone to violate the provisions of this act, or the printed rules and regulations adopted by the barber commission under authority of this act.

Section 3. Section Three of Act No. 661 House Bill 978 approved September 4, 1951 being reported in 1951 acts Page 1126 and having been amended by second extra session of the legislature as paragraph three and approved on March 16, 1956 and reported on Page 277 in the second extra session of 1956 reports being Act #17 is hereby amended to read as follows:

"Section Three. Barber Commission. There shall be a barber commission for the counties hereby affected. The county commission or like governing body of the county shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the State for five years and of the county for at least three years, and who has had at least five years experience as a barber. The term of office of members of the barber commission appointed prior to January, 1956 shall be two years. At the expiration of the term of office of the members appointed prior to January, 1956, one member shall be appointed for a term ending on the last day of August of the year following his appointment, one for a term ending on the last day of August of the second year following his appointment and one for a term ending on the last day of August of the third year following his appointment. Thereafter all members of the barber commission shall be appointed for a term beginning on the first day of September immediately following the expiration of the term of the member whom he succeeds and continuing for three years and until his successor has been appointed and has qualified. There shall be at no time more than two commissioners residing or doing business in any one city, town or village of such county. Vacancies caused by the expiration of the terms of the member of the barber commission, or vacancies caused by any other means, shall be filled by appointment by the county Commission or other like governing body of the county. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each commissioner shall take and subscribe to the oath provided by law to be taken by elective officers of the State of Alabama before the Probate Judge of the county in which they are to perform

their duties. The commission shall be issued and signed by the Probate Judge. The barber commission shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of Twenty Dollars (\$20.00) and not to exceed Four Dollars (\$4.00) for expenses thereby incurred. The members of said commission shall be paid for their attendance for at least one barber commission meeting each week; and not more than two additional meetings in one calendar month if in attendance in Court on official commission business. The commission shall appoint, and at its pleasure may discharge, a secretary. The county health officer, of such county shall appoint and at his pleasure discharge inspectors. Such inspectors shall be practicing barbers who have had five or more years of experience as a barber. They shall give their full time to their duties and as compensation therefor shall receive a salary to be fixed and paid by the barber commission. Neither the secretary nor inspectors shall be related by blood or marriage, to any other person employed by the commission or to the members of the commission. Said commission shall also have the power to employ any other necessary help for the enforcement of this law, outline their duties and fix their compensation subject to the general laws of this State. The commission shall obtain such office space, furnishing, and other conveniences as shall be reasonably necessary for carrying out the provisions of this act.

The barber commission shall have the power and authority to establish and promulgate reasonable sanitary rules and reasonable regulations for the conduct of barbers, apprentice barbers, barber teachers, barbershops, barber schools, and scalp specialists. The commission and the inspectors are authorized and directed to inspect all barbershops, barber schools and places of business of scalp specialists in the county, and for such purpose any member of the commission or its duly authorized agent may enter upon the premises of such barbershops, barber schools and scalp specialists any time during business hours. A copy of the sanitary rules and other regulations adopted by said commission shall be furnished to each licensed shop owner and barber and barber school doing business in the counties hereby affected. The inspectors shall be deputized by the Sheriff of the county and by each succeeding sheriff that shall be elected in the county. The inspectors shall make bond in the amount of Two Thousand Dollars (\$2,000.00) covering his acts as said inspector of the barber commission

of the county. The sheriff of the county and members of the barber commission, shall not be liable for any of the acts of the inspectors. The bond premium shall be payable by the barber commission of the county out of the funds of the barber commission. The inspectors shall have the power and authority to arrest persons guilty of a violation of any of the provisions of this act, or the health and sanitation laws of this state or of any municipality in the county hereby affected and also for a violation of the printed rules and regulations adopted by this commission under authority of this act. He is further authorized to take and preserve any evidence of such violations until final disposition of said cause. The principal office of said commission shall be located at the county seat. The commission shall adopt a seal, with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. The barber commission shall make and keep on file in its office an annual report, which report shall summarize all the activities of the commission relative to the examining and licensing of barbers, barber apprentices, barber teachers and scalp specialists and the suspension or revocation of such licenses or refusal of issuance of license or renewal license and the issuance and revocation of licenses of barbershops, barber colleges and other like businesses, and shall also show all collections and all disbursements of funds collected pursuant to this act. All records kept in the office of the commission under authority of this Act shall be open to public inspection at all reasonable times. All fees and charges collected by the commission under the provisions of this Act shall be paid into the treasury of such county and shall constitute a separate fund to be disbursed by the county treasurer on order of the barber commission and with the approval of the chairman of such commission. All expenses incurred by the barber commission, including the compensation of members and their employees and compensation and expense of inspectors, shall be paid by the county treasurer out of such separate funds upon checks signed by the chairman of said barber commission and countersigned by one other member of the barber commission, provided that the total expense for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said barber commission and all monies in excess of One Thousand Dollars (\$1,000.00) remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county.

Section 4. Section Four of Act No. 661 of the 1951 Legislature approved September 4, 1951 is amended to read as follows. "Section 4. Licenses for a journeyman barber, barber teacher and scalp specialist. Licenses shall be granted only to persons of good moral character, who have an elementary school education, or its equivalent, at *least eighteen* years of age, have practiced as an apprentice for a period of at least one year, and has passed a satisfactory examination conducted by the commission and paid the required fee. Provided, however, the barber commission may grant an apprentice barber license to any person or persons who is seventeen years old or older, who has engaged in the occupation of barbering for a period of less than one year, and who has an elementary school education, or its equivalent and who is of good moral character, upon the applicant successfully passing said commission's examination for licensing a barber, as herein set forth and paid the required fees.

License to operate a barber shop, barber college or similar business shall be granted only to persons of good moral character who have at least an elementary school education, or its equivalent, who are at least 21 years old, who have engaged in the occupation of barbering for a period of one year, who have been recommended by three licensed barbers of the county, who is a bona fide resident of the county over which the barber commission has jurisdiction and who has passed a satisfactory examination conducted by the commission and paid the required fees and licenses.

Section 5. That Section Five of said Act No. 661 House Bill 978 approved September 4, 1951 is amended to read as follows: "Application for license, hearings, appeals and fees. Every applicant for a barber's license, apprentice barber's license, barber teacher license, scalp specialist license shall apply therefor in writing on blanks prepared or furnished by said barber commission. It shall be accompanied by the recommendation of at least three barbers doing business in the county, not related to the applicant, certifying that the applicant is of good reputation, is qualified to practice the profession of barbering, and recommending that a license be granted. The application shall be accompanied by the application fee of Thirty-Five Dollars (\$35.00) and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. Applicant for a license to operate a barbershop or barber's college, or other like business shall apply therefor in writing on blanks prepared or furnished by said barbers commission. It shall be accompanied by the recommendation of at least three barbers doing business in the

county, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the profession of barbering and to operate such establishment, and recommending that a license be granted. The application shall be accompanied by the application fee of Seventy-Five Dollars (\$75.00) and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. Should any application not be approved, one-half the fee filed therewith shall be refunded to the applicant and one-half thereof shall be retained by the commission for the expense of conducting the investigation and examination by this act required. The commission, after an application in proper form has been filed, shall before refusing to issue a license set the application down for hearing and determination as hereinafter provided. The commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barbershop or college, in which he is employed. The seal of the commission shall be imprinted and such additional matter placed thereon as the commission may designate. It shall be the duty of each person, partnership, association or corporation to conspicuously display his license in his place of business. The commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses named as the case may be. The original fee for each barber's license, apprentice barber license, barber teacher license, and scalp specialist license shall be Thirty-Five Dollars (\$35.00) and the annual renewal license shall be Twenty Dollars (\$20.00). The original license for each person to operate a barbershop, or other like business shall in addition to fee hereinbefore provided, pay Seventy-Five (\$75.00) and the annual renewal fee of Two Dollars (\$2.00) per chair. The original fee for each person to operate a barber college shall, in addition to the fee hereinbefore provided be Two Hundred Fifty Dollars (\$250.00) which fee shall be due and payable annually. Every license shall expire on the 31st day of December each year. Said licenses for the ensuing year shall be due and payable January 1st, of each year and delinquent on the first day of February of each year. There shall be no exemptions from the payment of these licenses by any barber, scalp specialist, barber apprentice, barber teacher, barber school, barbershop operator, partnership, association or corporation, or school board or public institution where a fee is charged for barbering. Any barber, barbershop, barber college or other like business within the meaning of this act and any person, firm, partnership, association or corporation who fails

to pay the licenses herein prescribed within the time required by this act shall in addition to the license required pay a penalty of twenty per cent of the amount of the license due and in addition to the licenses and penalty shall pay interest at the rate of one half of one per cent per month or fraction thereof from the date at which the license became due and payable. The commission shall issue a renewal license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant, accompanied by the annual license fee therefor, as herein required, and accompanied also by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable, or infectious disease. The commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any persons hereby affected, and shall have the power to refuse issuance of a license or renewal license and shall have the power to suspend or to revoke any license issued under the provisions of this act at anytime where the licensee has fraudulently obtained a license or where the licensee in performing or attempting to perform any of the acts mentioned herein is found by the barber commission to be guilty of (a) violation of any state, county, or city statute or ordinance pertaining to the operation of the vocation or business hereby affected, (b) or violation of any of the printed rules or regulations established by the commission under authority of this act, (c) or who has failed upon request of the inspector to give evidence and/or proof of the compliance with the same. The commission shall, before denying an application for a license or a renewal license or before suspending or revoking any license, set the matter down for a hearing, and at least twenty days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made and the date and place of hearing. The applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business address of such applicant or licensee. In preparation and conduct of hearings, the commission shall have the power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may sign subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the circuit courts of this state in civil cases. Any party to a hearing shall have

the right to the attendance of witnesses in his behalf. In case of disobedience to the subpoena, any member of the commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers and such court may issue an order requiring the persons to appear before the commission and give evidence or produce papers as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such commission shall be guilty of a misdemeanor. If the commission shall determine that any applicant is not qualified to receive a license whether original or renewal license, or that any licensee is guilty of a violation of any of the provisions of this act, or any of the printed rules and regulations adopted by this commission under authority of this act, a license shall not be granted, or the same suspended or revoked, as the case may require. Upon request of the applicant or licensee in writing, the commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the commission may be appealed to the circuit court of the county in which the principal office of the commission is located, provided an appeal is taken within thirty days after final determination of the commission. Any person desiring to appeal under this act shall file with the commission or some member thereof, a notice in writing that he appeals to the circuit court, with at least two solvent sureties payable to the county wherein the case will be tried, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the circuit court on such appeal. Such appealed case shall continue to be given a preferred setting in the circuit court until it is heard by the Court. Such bond to be approved by the circuit clerk of the county and any cause so appealed shall be tried de novo in said circuit court. The commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicant to become barbers, barber apprentices, shop operators or teachers in barber schools, scalp specialists and shall conduct said examination in accordance with the provisions hereof, and in accordance with the rules and regulations promulgated by said commission not inconsistent with this act. Said examination to be conducted in the city, town, or village where the principal office of the commission is located.

Section 6. That Section Six of said Act No. 661 being House Bill 978 and approved September 4, 1951 by the 1951 Legislature is amended so as to read as follows: Section Six.

Penalty. Any person violating the provisions of this act or the printed rules and regulations adopted by the commission under authority of this act shall upon conviction be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for a term not to exceed two months or by both fine and imprisonment in the discretion of the Court. This provisions shall also have application to any officer or agent of a corporation, partnership or association operated in violation of this subdivision or in violation of any of the printed rules and regulations adopted by the commission under authority of this act. Any Court of competent jurisdiction in the county shall have full power to try any violation of this subdivision or any violation of any of the printed rules and regulations adopted by the commission under authority of this act and upon conviction the court may in addition to the fine and imprisonment hereinabove set out and at the court's discretion revoke the license of the person, partnership, association or corporation violating the terms hereof.

Section 7. Repealing clause. All laws and parts of laws inconsistent or in conflict with this act are hereby expressly repealed.

Section 8. Effective Date. This act shall take effect on December 31, 1961.

Approved September 8, 1961.

Time: 1:05 P.M.

Act No. 681

H. 1512—Goodwyn, Bailey, Pierce,
Goldthwaite.

AN ACT

To amend Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama which relates to the regulation and licensing of barbers and barber colleges, and other like businesses in any County of the State of Alabama having a population of at least 150,000 nor more than 250,000, to creating a barber's Commission for said counties and defining the powers and duties of said barber Commission and providing for an inspector and providing a penalty for the violation of the provisions thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama are hereby amended to read as follows:

“Section 4. LICENSE: TO WHOM GRANTED — Licenses shall be granted only to persons of good moral charac-

ter, who have an elementary school education, or its equivalent, who are at least sixteen years of age, having practiced as an apprentice for a period of at least three years, or having finished a barber college required by the barber commission, and having passed a satisfactory examination conducted by the commission. Provided, however, any person or persons engaged in the occupation of barbering for a period of less than three years may be licensed as an apprentice barber, provided he is fifteen years of age and has an elementary school education, or its equivalent, upon successfully passing said commission's examination for licensing a barber, as herein set forth. No license shall be issued to any person who has been convicted of a felony involving moral turpitude, has a contagious disease, and/or is an habitual drunkard, or is addicted to morphine, cocaine, alcoholic beverages, or any other habit forming drugs.

"Section 5. APPLICATION FOR LICENSE, HEARINGS, APPEALS AND FEES.—Every applicant for a barber's license, apprentice barber's license, barber teacher license, scalp specialist license, or a license to operate a barber shop or barber's college, or other like business, shall apply therefor in writing on blanks prepared or furnished by said barbers' commission. It shall be accompanied by the recommendation of at least two barbers doing business in the county, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the profession of barbering, and recommending that a license be granted. The application shall be accompanied by the application fee hereinafter provided, and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. Should such application not be approved, one-half the fee filed therewith shall be refunded to the applicant and one-half thereof shall be retained by the commission for the expense of conducting the investigation and examination by this subdivision required. The Commission, after an application in proper form has been filed, shall before refusing to issue a license set the application down for a hearing and determination as hereinafter provided. The Commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barber shop or college in which he is employed. The seal of the Commission shall be imprinted and such addition matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to conspicuously display his license in his place of business. The Commission shall issue to each licensee a pocket card on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses named as the case

may be. Any person, resident of this county, who for one year immediately preceding passage of this act was continuously engaged in the practice of barbering at one or more established places of business in the county, shall be granted a certificate of registration as a registered barber, without examination, by making application to the board and paying the required fee and furnishing health certificate. The original fee for each barber's license, apprentice barber license, barber teacher license shall be \$25.00 and the renewal fee shall be \$12.00. The original fee for each scalp specialist license shall be \$50.00 and the renewal fee for each scalp specialist shall be \$25.00. The original fee for each person to operate a barber shop, or other like business shall, in addition to fee herein before provided, pay \$50.00 and the annual renewal fee of \$3.00 per chair. The fee set out in this bill may be changed by majority of commission based upon the needs of the barber commission and like license issued by other barber commissions in the State of Alabama. The original fee for each person to operate a barber college shall, in addition to the fee herein before provided, be two hundred and fifty dollars (\$250.00), which fee shall be due and payable annually. Every license shall expire on the 31st day of December each year. Said licenses for the ensuing year shall be due and payable January 1st of each year and delinquent on the first day of February of each year. There shall be no exemptions from the payment of these licenses by any barber, scalp specialist, barber apprentice, barber teacher, barber school, barber shop operator, partnership, association or corporation; or school board or public institution where fee is charged for barbering. Any barber, barber shop, barber college or other like business within the meaning of this subdivision and any person, firm, partnership, association or corporation who fails to pay the licenses herein prescribed within the time required by this article shall in addition to the license required pay a penalty of twenty per cent of the amount of the license due and in addition to the licenses and penalty shall pay interest at the rate of one-half of one per cent per month or fraction thereof from the date on which the license became due and payable. The Commission shall issue a renewal license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant, accompanied by the annual fee therefore as herein required, and accompanied also by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable, or infectious disease. Upon its own motion or upon the verified complaint in writing of any person affected, the commission shall have the power to suspend or revoke any license issued under the

provisions of this act at any time where the licensee has fraudulently obtained a license, where the licensee is performing or attempting to perform any of the acts mentioned herein is found by the Barber Commission to be guilty of (a) the violation of any state, county, or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the commission (c) or who has failed upon the request of the Inspector to give evidence and/or proof of compliance with the same, (d) or who has been convicted of a felony involving moral turpitude, (e) or who has a contagious disease, (f) or who has become an habitual drunkard, or addicted to the use of morphine, cocaine, alcoholic beverages, or any other habit forming drugs. The Commission shall, before denying an application for a license, or before suspending or revoking any license, set the matter down for a hearing, and at least twenty days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charge made and the date and place of hearing. The applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel, such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business address of such applicant or licensee. In preparation and conduct of hearings, the commission shall have the power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the Commission may sign subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in Judicial procedure in the Circuit Court of this State in Civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to the subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers and such court may issue an order requiring the persons to appear before the commission and give evidence or produce papers as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. If the commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this subdivision, a license shall not be granted, or the same suspended or revoked, as the case may require. Upon request of the applicant or licensee in writing, the commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The find-

ings of the commission may be appealed to the Circuit Court of the County in which the principal office of the commission is located, provided an appeal is taken within thirty days after final determination of the commission, any person desiring to appeal under the subdivision shall file with the commission or some member thereof, a notice in writing that he appeals to the Circuit Court, with at least two solvent sureties payable to the county wherein the case will be tried, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal, such bond to be approved by the Circuit Clerk of the county and any cause so appealed shall be tried de novo in said Circuit Court. The commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicant to become barbers, barber apprentices, shop operators or teachers in barber schools and scalp specialists, and shall conduct said examination in accordance with the provisions hereof, and in accordance with the rules and regulations promulgated by said commission not inconsistent with this subdivision. Said examination to be conducted in the city, town, or village, where the principal office of the commission is located."

Section 2. This act shall become effective immediately upon its passage and upon approval by the Governor or upon its otherwise becoming a law.

Approved September 8, 1961.

Time: 1:27 P.M.

Act No. 682

H. 480—Smith (Russell), Morrow, Boyd, Mc L e n d o n (Bullock), Cook, Adams, Sessions, H a w k i n s, Nichols, Faulk, Bailey, McCorquodale, Thomas, Solomon, Chambers, Bevill, Pruitt, Sullivan.

AN ACT

To amend further Section 713, Title 51, Code of Alabama 1940, which relates to the distribution of motor vehicle and trailer license tax funds.

Be It Enacted by the Legislature of Alabama:

Section. 1. Section 713, Title 51, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 713. The money collected as motor vehicle and trailer license taxes, less such amount of money as shall be ap-

propriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, cost of operation, and the management of said department, shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to Article 8, Chapter 20, Title 51, Code of Alabama 1940, shall be distributed as follows: In the case of all motor vehicles and trailers other than motor trucks and truck-tractors licensed under Section 697 of this title as trucks for-hire, thirty-seven per cent to the state and sixty-three per cent to the incorporated city or town in which the owner of the motor vehicle resides; in the case of motor trucks and truck-tractors licensed under Section 697 of this title as trucks for hire, an amount equal to one hundred thirty dollars (\$130) for each vehicle weighing more than 24,000 pounds and not more than 30,000 pounds, one hundred sixty-five dollars (\$165) for each vehicle weighing more than 30,000 pounds and not more than 36,000 pounds, two hundred dollars (\$200) for each vehicle weighing more than 36,000 pounds and not more than 42,000 pounds, and three hundred dollars (\$300) for each vehicle weighing more than 42,000 pounds, shall be paid to the state and the remainder of the license fees paid on such trucks for-hire shall be distributed thirty-seven per cent to the state and sixty-three per cent to the incorporated city or town in which the owner of the motor vehicle resides. All amounts of motor vehicle and trailer license taxes received by a city or town hereunder in excess of twenty per cent of such motor vehicle and trailer license taxes shall be used exclusively for the construction, improvement, and maintenance of highways or streets and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may have been pledged, and for no other purposes. If the owner of a motor vehicle does not reside in an incorporated city or town, then in the case of all motor vehicles and trailers except motor trucks and truck-tractors licensed under Section 697 of this title as trucks for-hire, thirty-seven per cent shall go to the state and sixty-three per cent to the county in which the owner of the motor vehicle resides, and in the case of motor trucks and truck-tractors licensed under Section 697 of this title as trucks for-hire, an amount equal to one hundred thirty dollars (\$130) for each vehicle weighing more than 24,000 pounds and not more than 30,000 pounds, one hundred sixty-five dollars (\$165) for each vehicle weighing more than 30,000 pounds and not more than 36,000 pounds, two hundred dollars (\$200) for each vehicle weighing more than 36,000 pounds and not more than 42,000 pounds, and three hundred dollars (\$300) for each vehicle weighing more than 42,000 pounds, shall be paid to the state and the remainder of such truck-for-hire licenses shall be

paid thirty-seven per cent to the state and sixty-three per cent to the county in which the owner of the motor vehicle resides. The money collected as motor vehicle license taxes by the state, less appropriations for salaries and expenses, shall be used exclusively to create a sinking fund for the prompt and faithful payment of the principal and interest on good road bonds and for construction and maintenance as required under the provisions of Article XX of the Constitution of Alabama."

Section 2. This Act shall become effective October 1, 1961.

Approved September 8, 1961.

Time: 11:52 A.M.

Act No. 683

S. 55—deGraffenried, Moses,
Cooper and Farmer.

AN ACT

To authorize a program of medical assistance for persons 65 years of age and over not receiving old age pensions.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Pensions and Security, in accordance with the authority vested in it by Act. No. 703, Acts of Alabama 1951, *as amended*, is authorized to establish, in keeping with Title I of the Federal Social Security Act as amended, a medical assistance program for certain persons 65 years of age and over not receiving old age pensions. The Department of Pensions and Security shall be responsible for the administration of the program but may contract with another State agency or private organization in connection with this program.

Section 2. Medical assistance for persons 65 years of age and over not receiving old age pensions shall mean the same as the term is defined in the Federal Social Security Act as amended; *provided that any individual receiving medical assistance under this Act shall have full freedom of choice in selecting any provider of medical care and services, as defined in Title I of the Federal Social Security Act as amended, who is duly licensed to provide such care and services to the general public by a State licensing authority when such licensing is required and who qualifies and agrees to participate under this Act: provided further that all providers of such medical assistance to the aged electing to qualify to participate in the State plan under this Act shall have the opportunity to do so.*

Section 3. The State Board of Pensions and Security, in conference with the Commissioner, shall determine from time to

time the scope and kinds of medical assistance for the aged which the Department will administer. This determination shall be made with due regard to: (a) the amount of State and Federal funds available for this purpose; (b) the most pressing medical needs of the aged not receiving old age pensions but without sufficient income and resources to meet the costs of necessary medical services; and (c) the assurance that persons in similar circumstances will receive equitable treatment throughout the State.

Section 4. In keeping with Section 19 of Act No. 703, Acts of Alabama 1951, Regular Session, *as amended*, the Commissioner shall develop reasonable standards and rules of procedure for determining eligibility for medical assistance for the aged, including those necessary to comply with the Federal Social Security Act as amended. Such standards and rules shall prescribe safeguards which restrict the use or disclosure of information concerning applicants for and recipients of medical assistance for the aged to purposes directly connected with the administration of this Act.

Section 5. Medical assistance for the aged shall be payable under this Act on behalf of any needy person who has attained the age of 65 years, and who: (a) has made application therefor in the manner prescribed by the State Department of Pensions and Security; (b) has been certified by the appropriate medical profession to be in need of medical assistance under this Act; (c) has not sufficient income and resources (including insurance, workmen's compensation, etc.) to meet the cost of necessary medical services; (d) is a resident of the State; (e) has not directly or indirectly disposed of or deprived himself of any property for the purpose of qualifying for the benefits of this Act; and (f) is not receiving an old age pension. Medical assistance for the aged shall be payable under this Act on behalf of any person who is a patient of an institution, public or private, where such payments are matchable under the provisions of the Federal Social Security Act as amended and where such institution conforms to the requirements of the Federal Social Security Act as amended and applicable statutes of Alabama. *Medical assistance for the aged shall be payable under this Act on behalf of any person who needs non-institutional care and services for such care and services as provided under Title I of the Federal Social Security Act as amended.*

Section 6. Eligibility for medical assistance for the aged shall be determined by the department of pensions and security either through procedures established in Act No. 703, Acts of Alabama 1951, Regular Session, *as amended*, or through such other procedures as the department shall develop.

Section 7. A hearing shall be provided any applicant for or recipient of medical assistance for the aged as provided in Section 17 of Act No. 703, Acts of Alabama, 1951, Regular Session, as amended.

Section 8. The penalty for false representation under this Act shall be the same as contained in Section 20 of Act. No. 703, Acts of Alabama, Regular Session, as amended.

Section 9. Any portion of this Act which shall come in conflict with the provisions of the Federal Social Security Act by reason of amendments of said Federal Social Security Act hereafter adopted shall, on certificate of the Attorney General that such conflict exists, be suspended in its operation until amendment thereof can be given consideration by the next legislative session.

Section 10. This Act shall become effective October 1, 1961.

Approved September 8, 1961.

Time: 11:57 A.M.

Act No. 684

S. 144—Robison, deGraffenried,
Archer, Wyatt, Word,
Clark, Golson, Cooper,
Turner, and Moses.

AN ACT

To appropriate funds to the Department of Pensions and Security for salaries, expenses, operation and management for welfare purposes for the fiscal years ending September 30, 1962 and September 30, 1963.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of funds in the State Treasury to the credit of the General Fund the sums of money hereinafter specified, or so much thereof as may be necessary, for the fiscal years ending September 30, 1962 and September 30, 1963:

DEPARTMENT OF PENSIONS AND SECURITY:

For the operation, management, salaries, expenses and for all welfare purposes as provided by law.... \$8,587,000.00

Section 2. In addition to the appropriations herein made, all grants, contributions, gifts, matching funds and appropriations of State funds and those of the Congress of the United States, municipalities or counties for any public welfare purpose are hereby appropriated and, in the event the same are recurring, are reappropriated for such purpose as the same may

be intended; provided that not more than the sum of \$10,000.00 may be used for the salary of the Commissioner and not more than the sum of \$16,283.00 may be used for transfer to the State Personnel Department.

Section 3. The appropriation herein made shall be expended in the same manner and subject to the same conditions and limitations as is provided for expenditures in the general appropriation bill, provided that not more than 27½% of the State funds appropriated herein may be allotted in any one quarter; provided further that not more than the sum of \$3,050,000 of any State funds may be used for administrative purposes of the Department, including the salary of the Commissioner, transfer to the State Personnel Department, and employer's contribution to the Federal old age, survivors and disability insurance program.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 8, 1961.

Time: 11:57 A.M.

Act No. 685

S. 173—Robison, Golson, Turner,
Wyatt, Moses, deGraf-
fenried, Rutledge, Arch-
er, Clark and Word.

AN ACT

To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of \$300,000 for the purpose of erecting, constructing and equipping a training building for the State Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sum of \$300,000 is hereby appropriated to the State Building Commission, from any funds in the State Treasury to the credit of the General Fund, for the purpose of erecting, constructing and equipping a building at Montgomery, Alabama, on property owned by the State, to be known as the Alabama Police Academy. Upon completion this building shall belong to and be under the control and supervision of the Department of Public Safety of the State of Alabama for use as a training school.

Section 2. That this Act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved September 8, 1961.

Time: 12:00 Noon.

Act No. 686

S. 213—Crawford, Barnett, Webb,
Clark and Givhan.

AN ACT

To amend further Section 89, Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 89 of Title 36, Code of Alabama 1940, as amended by Act No. 413, Regular Session 1959, is amended further to read as follows:

“Section 89. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

“(a) Width. No vehicle shall exceed a total outside width including any load thereon of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders.

“(b) Height. No vehicle or semi-trailer shall exceed in height thirteen and one-half feet.

“(c) Length. No vehicle shall exceed in length thirty-five feet except that the length of semi-trailer trucks, including any part of the body or load, shall not exceed fifty feet. No vehicle operated on a highway shall carry any load extending more than two feet beyond the front thereof.

“(d) Weight. (1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand (18,000) pounds, or such lower weight, if any, as may be required by federal law to keep the State from losing federal funds.

“(2) For the purpose of this Act, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

“(3) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first
and last axles of vehicle or
combination of vehicles.

Maximum load in pounds
on all the axles.

4.....	32,000
5.....	32,000
6.....	32,000
7.....	32,000
8.....	32,610
9.....	33,580
10.....	34,550
11.....	35,510
12.....	36,470
13.....	37,420
14.....	38,360
15.....	39,300
16.....	40,230
17.....	41,160
18.....	42,080
19.....	42,990
20.....	43,900
21.....	44,800
22.....	45,700
23.....	46,590
24.....	47,470
25.....	48,350
26.....	49,200
27.....	50,090
28.....	50,950
29.....	51,800
30.....	52,650
31.....	53,490
32.....	54,330
33.....	55,160
34.....	55,980
35.....	56,800
36.....	57,610
37.....	58,420
38.....	59,220
39.....	60,010
40.....	60,800
41.....	61,580
42.....	62,360
43.....	63,130
44.....	63,890
45.....	64,650

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

"(4) For purposes of enforcement of subsection (d) of Section (1) One hereof all scaled weights per axle shall be deemed to have a margin of error of (10%) ten per cent of the true axle gross weights.

"(5) Dump trucks, concrete mixing trucks, fuel oil and gasoline trucks designed and constructed for special type work or use shall meet the load limitations stated in subsection (d) hereof.

"(6) Provided further, that the governing body of a county by appropriate resolution may authorize limitations less than those herein prescribed for vehicles operated upon the county highways of such county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1961.

Time: 11:50 A.M.

Act No. 687

H. 718—Pruitt, Barnett, Avery, Hanby,
McCorquodale, Hain, Long
(Perry), Hawkins.

AN ACT

To make appropriations from the state treasury for support and maintenance of The Marion Institute, located in Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$25,000.00 is hereby appropriated from the Alabama Special Educational Trust Fund in the state treasury for each of the fiscal years ending September 30, 1962, and September 30, 1963, for the use and benefit of The Marion Institute located at Marion, Perry County. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid out on warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1961.

Time: 11:48 A.M.